

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI  
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।  
Before Shri S.S. Viswanethra Ravi, Judicial Member &  
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. No.1058/Chny/2025  
निर्धारण वर्ष/Assessment Year: 2018-19

Varatharaj Venugopal,  
13, Thiruvalluvar Nagar 4<sup>th</sup> St.,  
Nesavalur Colony, East P.N. Road,  
Tirupur 641 602.

Vs. The Income Tax Officer,  
Ward 1(1),  
Tiruppur.

**[PAN:AYLPV5231F]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by	:	Shri Raghavan, Advocate (virtual) for Shri R.C. Sachin, C.A.
प्रत्यर्थी की ओर से/Respondent by	:	Ms. R. Anita, Addl. CIT
सुनवाई की तारीख/ Date of hearing	:	02.07.2025
घोषणा की तारीख /Date of Pronouncement	:	10.07.2025

**आदेश /O R D E R**

**PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:**

This appeal filed by the assessee is directed against the order dated 17.02.2025 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi for the assessment year 2018-19.

2. The assessee raised 2 grounds of appeal amongst which, the only issue emanates for our consideration as to whether the Id. CIT(A) is justified in confirming the addition made by the Assessing Officer

under section 69 of the Income Tax Act, 1961 ["Act" in short] by rejecting the additional evidences filed by the assessee in the facts and circumstances of the case.

3. We note that the assessee filed return of income for the AY 2018-19 on 28.07.2018 admitting total income of ₹.4,34,460/-. As per information available with the Department, the Assessing Officer noted that the assessee has purchased an immovable property for ₹.33,00,000/- during the relevant assessment year 2018-19. After following due procedure as provided under section 148A of the Act, the Assessing Officer issued notice under section 148 of the Act on 25.04.2022 to the assessee and in response to the said notice, the assessee filed revised return of income on 17.05.2022 admitting total income of ₹.4,34,460/-. Thereafter, the Assessing Officer issued various statutory notices under sections 143(2) and 142(1) of the Act as well as show cause notice under section 144 of the Act dated 16.01.2024 and another show cause notice dated 13.02.2024. However, there was no response to various notices/show-cause notices issued by the Assessing Officer. Thus, the Assessing Officer completed the assessment under section 147 r.w.s. 144B of the Act by treating the investment made in purchase of immovable property at

₹.33,00,000/- as unexplained investment under section 69 of the Act and added to the total income of the assessee. On appeal, the Id. CIT(A) dismissed the appeal of the assessee by rejecting the affidavits filed for admission of additional evidences by the assessee on the ground that the same were not furnished before the Assessing Officer. Aggrieved by the order of the Id. CIT(A), the assessee is in appeal before the Tribunal.

4. The Id. AR Shri Raghavan, Advocate submits that non-response to the notices issued by the Assessing Officer is neither deliberate nor wanton, but, due to circumstances beyond his control. He vehemently argued that the first appellate authority has erred in dismissing the appeal of the assessee by rejecting the request for filing of additional evidences under Rule 48A of the IT Rules, despite having jurisdiction and without considering the veracity of the evidences filed to prove the source for the purchase of property. By placing on record copy of the affidavits as was filed before the Id. CIT(A), the Id. AR prayed that the assessee may be granted one more opportunity to substantiate assessee's case before the Assessing Officer.

5. The Id. DR Ms. R. Anita, Addl. CIT did not oppose the submissions of the Id. AR.

6. Heard both the parties and perused the material available on record. The Assessing Officer completed the assessment under section 147 r.w.s. 144B of the Act by treating the purchase of immovable property at ₹.33,00,000/- as unexplained investment under section 69 of the Act in the absence of any documentary evidence brought on record. However, before the first appellate authority, the assessee furnished material evidence to substantiate his claim under Rule 48A of IT Rules in the form of additional evidences as reflected at para 4.1.2 of the impugned order. Having coterminous status, without examining the additional evidences filed by the assessee during the course of appellate proceedings by obtaining remand report from the Assessing Officer and deciding the issue on merits, we note that the first appellate authority was not justified in rejecting the additional evidences just because the assessee could not furnish the same before the Assessing Officer. Under the above facts and circumstances, we set aside the order of the Id. CIT(A) and remand the matter to the file of the Assessing Officer to examine the documentary evidences as may be filed by the assessee and decide the issue in accordance with law. The assessee is also directed to furnish the documentary evidences before the Assessing Officer without fail. Thus,

the grounds raised by the assessee are allowed for statistical purposes.

7. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 10<sup>th</sup> July, 2025 at Chennai.

Sd/-  
(JAGADISH)  
ACCOUNTANT MEMBER

Sd/-  
(S.S. VISWANETHRA RAVI)  
JUDICIAL MEMBER

Chennai, Dated, 10.07.2025

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.