



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK 'SMC' BENCH, CUTTACK**

BEFORE SHRI DUVVURU RL REDDY, VICE PRESIDENT(KZ)

ITA No.264/CTK/2025
Assessment Year : 2017-18

Tapas Kumar Chanda, M/s Satyanarayan Jewellers Garipur, Durga Cinema Road, Jajpur, Town, Jajpur 755001	Vs.	ITO, Ward Jajpur, Jajpur
PAN/GIR No. ALRPC 1318 B		
(Appellant)	..	(Respondent)

Assessee by : Shri Digant Das, Adv
Revenue by : Shri S.C.Mohanty, Sr. DR

Date of Hearing : 30/06/2025
Date of Pronouncement : 30/06/2025

ORDER

The present appeal is directed at the instance of assessee against the order of Id. Addl/JCIT(A)-2, Guwahati dated 22/04/2024 in Appeal No. CIT(A), Cuttack/11065/2019-20, passed for Assessment Year 2017-18.

2. The appeal is time barred by 302 days. The assessee has filed condonation petition supported by an affidavit stating that due to his illness, he could not able to bring the notice of the Advocate for filing the appeal. In support of the illness, medical certificates are enclosed with the petition. After recovering from the illness, he immediately contacted the

Advocate and filed the appeal. Therefore, there was delay of 302 days in filing the appeal. It is prayed that the delay was not intentional and same may be condoned. Ld Sr DR opposed the condonation petition.

3. After hearing the parties and perusing the condonation petition, I am satisfied that the assessee had a reasonable cause in not filing the appeal within the time and hence, I condone the delay of 302 days and admit the appeal for hearing.

4. Brief facts of the case are that the assessee is an individual and filed the return of income on 14.8.2019. During the course of assessment proceedings, the Assessing officer noticed that during the period of demonetisation from 9.11.2016 to 30.12.2016, the assessee has deposited cash amounting to Rs.11,98,000/- in the bank account maintained with Canara Bank. Further, the assessee has disclosed net profit of Rs.3,21,000/- against gross receipt of Rs.67,11,630/-. The AO observed that the assessee has to compute the net profit @ 8% of total gross receipt. Notice u/s.142(1) was issued to the assessee to furnish documentary evidences in support of the claim. In regard to deposit of cash in bank, the assessee submitted that he deals in purchase and sale of gold and silver ornaments. The source of cash deposit is solely from his business transaction. It was submitted that out of cash deposit of Rs.11,98,000/-, an amount of Rs.7,80,000/- was withdrawn from his account on 8.11.2016 and remaining amount of Rs.4,18,000/- was out of his past savings.

However, no documentary evidences were furnished regarding cash in hand of Rs.4,18,000/-. The Assessing Officer completed the assessment u/s.144 of the Act determining the total income at Rs.9,53,550/-.

5. Being aggrieved, the assessee carried the matter in appeal before the Id CIT(A). However, despite various opportunities given to the assessee, there was no representation from the side of the assessee and accordingly, Id CIT(A) dismissed the appeal of the assessee. Hence, the assessee is in further appeal before the Tribunal.

6. At the time of hearing, Id AR submitted that the Id CIT(A) has dismissed the appeal of the assessee for want of prosecution without considering the case on merits. He prayed that one more opportunity be granted and the assessee will cooperate in the set aside proceedings.

7. On the other hand, Id Sr DR vehemently supported the order of the Id CIT(A). He stated that various opportunities have been granted to the assessee but the assessee failed to comply with the same.

8. I have heard the rival contentions and perused the material available on record. A perusal of assessment order clearly shows that the Assessing Officer has passed order u/s.144 of the Act on account of non-production of documentary evidences. A perusal of the impugned order clearly shows that as there was no response to the notices to substantiate the claim with documentary evidences and submissions, Id CIT(A) confirmed the addition

made by the AO. Before us, Id AR undertakes that the assessee will cooperate the proceedings, if the matter is restored back to the file of the Id AO. Considering the facts and circumstances of the case, I am inclined to set aside the order passed by the Id. CIT(Appeals) in order to meet the principle of natural justice, and remit the matter back to his file with a direction to provide one more opportunity of being heard to the assessee. At the same breath, I also hereby caution the assessee to promptly co-operate with the proceedings before the CIT(A), failing which the Ld CIT(A) shall be at liberty to pass appropriate order in accordance with law and merits based on the materials available on the record. Thus, the grounds raised by the assessee are allowed for statistical purposes.

9. In the result, appeal of the assessee stands allowed for statistical purposes.

Order dictated and pronounced in the open court on 30/06/2025.

Sd/-
(DUVVURU RL REDDY)
VICE PRESIDENT

Cuttack: Dated 30/06/2025
B.K.Parida, Sr. PS (OS)

Copy of the Order forwarded to :

1. The Appellant : Tapas Kumar Chanda, M/s
Satyanarayan Jewellers Garipur, Durga Cinema
Road, Jajpur, Town, Jajpur 755001
2. The Respondent : ITO, Ward Jajpur, Jajpur
3. The Addl/JCIT(A)-2, Guwahati
4. Pr.CIT-
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

By order

Asst.Registrar,
Itat, cuttack

