

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD 'A' BENCH : Hyderabad**

(Through Video Conference)

**Before Smt. P. Madhavi Devi, Judicial Member
And
Shri A. Mohan Alankamony, Accountant Member**

**ITA No. 695/Hyd./2016
Assessment Year: 2005-06**

Sri M. Bal Reddy
Hyderabad

vs. ITO, Ward 16(1)
Hyderabad

[PAN: ADNPM3674J]

(Appellant)

(Respondent)

For Assessee: Shri P. Vinod, Adv.

For Revenue: Sh. Pavitrnan Kumar, D.R

Date of Hearing : 14/07/2021

Date of Pronouncement : 26/07/2021

ORDER

PER P. MADHAVI DEVI, JM

This is assessee's appeal for A.Y. 2005-06 against the order of CIT(Appeals)-4, Hyderabad dated 18.02.2016. The assessee has raised the following grounds of appeal.

"1. On the facts and in the circumstances of the case, the order of the Commissioner of Income Tax (Appeals)-4, Hyderabad, dismissing the appeal of the Appellant is erroneous, illegal and unsustainable in law.

2. The Commissioner (Appeals) erred in passing exparte order without giving sufficient opportunity and without appreciating the fact that the Appellant was all along pursuing its appeal and the same is passed in gross violation of principles of natural justice.

3. *The Commissioner (Appeals) erred in sustaining the addition of Rs.50,50,000/- as unexplained investments.*

4. *The Commissioner (Appeals) erred in sustaining the addition of Rs. 5 lakhs being the amount received from Mr. Laxman Rao towards sale of plots as unexplained investment.*

5. *The Commissioner (Appeals) erred in sustaining the action of the Assessing Officer in treating a sum of Rs.12.50 lakhs received from St. Mary's College towards consideration for sale of land as unexplained investment.*

6. *On the facts and in the circumstances of the case, the Commissioner (Appeals) erred in sustaining the action of the Assessing Officer in treating the sum of Rs.33 lakhs received towards advance for sale of land as unexplained in spite of the fact that the buyers have confirmed the same.*

7. *Without prejudice to above ground, the Commissioner (Appeals) failed to appreciate that since the buyers appeared before the Assessing Officer and filed receipts for Rs.20 lakhs, the addition to that extent ought not to have been sustained.*

8. *Without prejudice to above grounds, on the facts and in the circumstances of the case, the Commissioner (Appeals) erred in sustaining the addition of Rs.9,68,200/- which was available with the Appellant.*

For these and other grounds that may be urged with the leave of the Hon'ble Tribunal, it is prayed that the Hon'ble Tribunal may be pleased to allow the appeal.

2. Ld.Counsel for the assessee submitted that though the name of assessee's counsel is recorded as having appeared, only one opportunity of hearing was given and assessee's counsel could not appear on such date and the CIT(A) proceeded to decide the appeal ex parte the assessee. Ld.counsel, therefore, prayed that another opportunity of hearing on merits may be given to assessee.

Ld.DR was also heard.

3. Having regard to rival contentions and material placed on record, we find that only one date was given to assessee on which date, the assessee was not represented and the assessee was not heard on merits and the appeal was dismissed. Therefore, we deem it fit and proper to remit the case back to the file of CIT(A) for reconsideration of the issue in accordance with law. Needless to mention that assessee shall be given a fair opportunity of hearing. Accordingly, this appeal of the assessee is treated as allowed for statistical purposes.

Order pronounced in Open Court on 26/07/2021.

Sd/-

(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Sd/-

(P. MADHAVI DEVI)
JUDICIAL MEMBER

Dated: 26th July, 2021

*gmv

Copy of Order forwarded to:

1. Sri M. Bal Reddy, C/o Sri AV Raghuram, P Vinod, Advocates, 610, Babukhan Estate, Basheerbagh, Hyderabad 500 001, Telangana.
2. ITO, Ward 16 (1), Hyderabad
3. ACIT, Range 16, Hyderabad
4. CIT(A)-4, Hyderabad
5. Pr.CIT – 4, Hyderabad.
6. D.R. ITAT Hyderabad
7. Guard File