

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.1667/PUN/2017
निर्धारण वर्ष / Assessment Year : 2009-10

Imroz Khan Mohiyoddin Khan, House No.1847, Hatai Pura, Kandhar, Taluka Kandhar, Dist. Nanded	Vs.	ITO, Ward-3(2), Nanded
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PAN : BAXPK0376H

(Appellant)

(Respondent)

Appellant by	None
Respondent by	Shri Rajesh Gawali
Date of hearing	03-12-2018
Date of pronouncement	04-12-2018

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the assessee is directed against the order passed by the CIT(A)-1, Aurangabad on 20-03-2017 in relation to the assessment year 2009-10.

2. I have heard the ld. DR and perused the relevant material on record. There is no appearance from the side of the assessee. It is seen that the AO has passed the order *ex-parte qua* the assessee and the ld. CIT(A) passed the impugned order without obtaining remand report from the AO. In view

of the foregoing facts, I am of the considered opinion that the ends of justice would meet adequately if the impugned order is set-aside and the matter is restored to the file of AO. I order accordingly and direct the AO to make the assessment afresh after allowing a reasonable opportunity of hearing to the assessee. It is made clear that in such fresh proceedings, the assessee will be at liberty to lead any fresh evidence in support of his case, as desired expedient.

3. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 04th December, 2018.

Sd/-
(R.S.SYAL)
उपाध्यक्ष/ VICE PRESIDENT

पुणे Pune; दिनांक Dated : 04th December, 2018
सतीश

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order is forwarded to :

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. आयकर आयुक्त(अपील) /
The CIT (Appeals)-1, Aurangabad
4. आयकर आयुक्त / The Pr. CIT-1, Aurangabad
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे
“SMC” / DR ‘SMC’, ITAT, Pune;
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	03-12-18	Sr.PS
2.	Draft placed before author	03-12-18	
3.	Draft proposed & placed before the second member		
4.	Draft discussed/approved by Second Member.		
5.	Approved Draft comes to the Sr.PS/PS		
6.	Kept for pronouncement on		
7.	File sent to the Bench Clerk		
8.	Date on which file goes to the AR		
9.	Date on which file goes to the Head Clerk.		
10.	Date of dispatch of Order.		

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