

**IN THE INCOME TAX APPELLATE TRIBUNAL  
Hyderabad ' B ' Bench, Hyderabad**

**Before Smt. P. Madhavi Devi, Judicial Member  
AND  
Shri S.Rifaur Rahman, Accountant Member**

**ITA No.1598/Hyd/2018**  
(Assessment Year: 2009-10)

Shri B. Ranga Reddy Hyderabad PAN:AAIPR1453J (Appellant)	Vs	Income Tax Officer Ward 9(1) Hyderabad (Respondent)
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For Assessee :	N o n e
For Revenue :	Shri Kiran Katta, DR

Date of Hearing:	03.12.2018
Date of Pronouncement:	03.12.2018

**ORDER**

**Per Smt. P. Madhavi Devi, J.M.**

This is assessee's appeal for the A.Y 2009-10 against the order of the CIT (A)-7, Hyderabad, dated 1.9.2017. The appeal was posted for of hearing on 3.12.2018 and the notice of hearing was duly served on the assessee. However, none appeared on the said date nor was an application filed for adjournment. Hence, it is presumed that the assessee is not interested to pursue the appeal. Further, nothing has been brought on record to rebut the findings of the CIT(A).

2. It has been held by the Hon'ble Supreme Court in the case of B.N. Bhattachargee & Anr., 118 ITR 461 that appeal does not mean only filing of memo of appeal but also pursuing it effectively.

In cases where the assessee does not want to pursue the appeal, Court/Tribunal have inherent power to dismiss the appeal for non-prosecution as held by Hon'ble High court of Mumbai in the case of M/s Chemipol Vs. Union of India in Excise appeal No. 62 of 2009. Therefore, respectfully following the above decision and also of the Tribunal in the case of Multiplan (India) Ltd., (38 ITD 320) and Madhya Pradesh High Court in Late Tukoji Rao Holkar (223 ITR 480), we dismiss the appeal of the assessee for want of prosecution.

3. In the result, the appeal of the assessee is dismissed.

Order pronounced in the Open Court on 3<sup>rd</sup> December, 2018.

**Sd/-**  
**(S.Rifaur Rahman)**  
**Accountant Member**

**Sd/-**  
**(P. Madhavi Devi)**  
**Judicial Member**

Hyderabad, dated 3<sup>rd</sup> December, 2018.

**Vinodan/sps**

Copy to:

- 1 Shri B. Ranga Reddy, H.No.16-2-851/B, Saidabad, Hyderabad
- 2 ITO Ward 9(1) Hyderabad
- 3 CIT (A)-7 Hyderabad
- 4 Pr. CIT -7, Hyderabad
- 5 The DR, ITAT Hyderabad
- 6 Guard File

*By Order*