

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCHES : F : NEW DELHI

BEFORE SHRI R.S. SYAL, AM & MS SUCHITRA KAMBLE, JM

ITA No.2447/Del/2011  
Assessment Year : 2006-07

Prashant Kumar Gupta,  
2, Sunderpuri,  
Bulandshahr.

Vs. ITO,  
Ward-3,  
Bulandshahr.

PAN: AJBPG3747N

(Appellant)

(Respondent)

Assessee By : Shri Saurabh Gupta, CA  
Department By : Shri V.R. Sonbhadra, Sr. DR

Date of Hearing : 07.10.2015  
Date of Pronouncement : 08.10.2015

ORDER

PER R.S. SYAL, AM:

This appeal by the assessee arises out of the order passed by the  
CIT(A) on 28.2.2011 in relation to the assessment year 2006-07.

2. The first ground is against the confirmation of addition of Rs.1 lac, being the amount of gift received by the assessee from his mother.

3. Briefly stated, the facts of the case are that the assessee is a salaried person employed with M/s Rastogi Book Mart, Ansari Road, Chauraha, Bulandshahar. A sum of Rs.1 lac was claimed to have been received as gift from his mother, Smt. Leela Devi Agarwal which was credited to his capital account. On being called upon to establish the genuineness of the gift, the assessee produced Smt. Leela Devi Agarwal before the AO, who admitted to have given the said gift to the assessee. The AO noticed that she was not earlier filing her returns of income and there was no source of the cash deposit of Rs.1 lac, which was allegedly gifted to the assessee. During the course of assessment proceedings, the assessee surrendered income of Rs.1 lac vide his letter dated 26.11.2007, which was recorded in the order sheet entry of the same date. The Id. CIT(A) confirmed the addition.

4. After considering the rival submissions and perusing the relevant material on record, we find that the assessee had himself surrendered

this amount before the AO during the course of assessment proceedings. Under such circumstances, there cannot be any reason to re-agitate the same issue in the appellate proceedings without any contrary material/evidence. Since there is no opposing material to deviate from the surrender made before the AO, we hold that this addition was rightly confirmed by the Id. CIT(A).

5. The second ground is against the confirmation of addition of Rs.2 lac. The assessee deposited a sum of Rs.2 lac in his bank account, splitted into Rs.90,000/-, Rs.90,000/- and Rs.20,000/- on 26.9.2005, 27.9.2005 and 28.9.2005. On being called upon to explain the source of such deposit, the assessee stated that this was out of his past savings. Not convinced, the AO made an addition of Rs.2 lac. The Id. CIT(A) upheld the same.

6. Having heard the rival submissions and perused the relevant material on record, it is observed that the assessee is a salaried person employed with a private party. The Id. AR contended that all the savings were centralized by the assessee in his bank account for the

purpose of purchasing a property and the sum of Rs.2 lac represented such savings deposited in bank account before purchase of property. Considering the facts in a holistic manner, we are satisfied that the assessee gave a reasonable explanation about the source of deposit of Rs.2 lac in his bank account. We, therefore, order for the deletion of this addition.

7. The last ground is against confirmation of addition of Rs.12,000/- out of household expenses. The assessee had not shown any drawings. During the course of assessment proceedings, it was contended that his wife, who was running a beauty parlour, withdrew a sum of Rs.48,000/- for household expenses. The AO estimated household expenses at Rs.5,000/- per month and made addition of Rs.60,000/- by discarding the explanation about the assessee's wife contributing Rs.48,000/-. The Id. CIT(A) reduced the addition to Rs.12,000/-.

8. After considering the rival submissions and perusing the relevant material on record, it is observed that the assessee's wife was running a beauty parlour from which certain income was earned and a sum of

Rs.48,000/- was shown to have been utilized for household expenses. The AO has simply made an estimate of Rs.5,000/- per month towards household expenses which is not based on any cogent material. In our considered opinion, the Id. CIT(A) was not justified in sustaining the balance addition of Rs.12,000/- being the difference between such estimated household expenses and the amount contributed by the assessee's wife. We, therefore, order for the deletion of this addition.

9. In the result, the appeal is partly allowed.

The order pronounced in the open court on 08.10.2015.

Sd/-

[SUCHITRA KAMBLE]  
JUDICIAL MEMBER  
Dated, 08<sup>th</sup> October, 2015.

Sd/-

[R.S. SYAL]  
ACCOUNTANT MEMBER

dk

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT (A)
5. DR, ITAT

AR, ITAT, NEW DELHI.