

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

'B' BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं श्री एस जयरामन, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND  
SHRI S. JAYARAMAN, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.2834/Mds/2016

निर्धारण वर्ष / Assessment Year : 2012-13

Shri Ramachandran Lakshmanan,  
C/o Shri S. Sridhar,  
Sh. A.S. Sriraman, Advocates,  
New No.14, Old No.82, Flat No.5,  
1<sup>st</sup> Avenue, Indira Nagar, Adyar,  
Chennai - 600 020.

v. The Deputy Commissioner of  
Income Tax,  
Non-Corporate Circle – 17,  
Chennai - 600 006.

PAN : AADPL 9427 H

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri S. Sridhar, Advocate

प्रत्यर्थी की ओर से/Respondent by : Smt. C. Yamuna, JCIT

सुनवाई की तारीख/Date of Hearing : 03.07.2017

घोषणा की तारीख/Date of Pronouncement : 06.09.2017

### **आदेश /O R D E R**

**PER N.R.S. GANESAN, JUDICIAL MEMBER:**

This appeal of the assessee is directed against the order of the Commissioner of Income Tax (Appeals) -5, Chennai, dated 31.08.2016 and pertains to assessment year 2012-13.

2. The only issue arises for consideration is addition of ₹69,80,994/- towards cash deposit in the bank.

3. Shri S. Sridhar, the Ld.counsel for the assessee, submitted that the assessee has deposited ₹106 lakhs in ICICI Bank account. The assessee has produced evidence to the extent of the deposit of ₹36,49,064/- for cash deposit. According to the Ld. counsel, the assessee claimed that ₹36,49,064/- was from sale of land, therefore, the Assessing Officer accepted the explanation of the assessee. With regard to the balance amount of ₹69,80,994/-, the assessee claimed before the Assessing Officer that this was from sale of land by assessee's mother. According to the Ld. counsel, the assessee claimed before the Assessing Officer that the amount received by the assessee's mother on sale of land was also deposited in his account. The Assessing Officer disbelieved the claim of the assessee and made addition. According to the Ld. counsel, in fact, the sale consideration received by the assessee's mother was deposited in the assessee's account, therefore, an opportunity may be given to the assessee to substantiate the claim before the Assessing Officer.

4. On the contrary, Smt. C. Yamuna, the Ld. Departmental Representative, submitted that the assessee's mother has one

more account along with the assessee in the very same bank. Therefore, according to the Ld. D.R., there was no reason to deposit the sale consideration of the assessee's mother in the assessee's account. If at all the assessee's mother received any sale consideration, it should have been deposited only in the joint account of the assessee's mother. Moreover, according to the Ld. D.R., the assessee has not produced any documentary evidence for sale of land, therefore, the CIT(Appeals) has rightly confirmed the addition made by the Assessing Officer.

5. We have considered the rival submissions on either side and perused the relevant material available on record. The assessee has deposited ₹106 lakhs in his account held with ICICI Bank. The Assessing Officer accepted the claim of the assessee to the extent of ₹36,49,064/-. However, rejected the explanation of the assessee to the extent of ₹69,80,994/-. The assessee claimed that the sale consideration received by his mother was deposited in his bank account. When the assessee claims that the sale consideration received by the assessee's mother was deposited in his bank account, this Tribunal is of the considered opinion that the matter may be established by producing necessary copy of sale deed.

Therefore, the matter needs to be re-examined by the Assessing Officer. Accordingly, the orders of the authorities below are set aside and the addition of ₹69,80,994/- is remitted back to the file of the Assessing Officer. The Assessing Officer shall re-examine the matter in the light of the material that may be produced by the assessee and thereafter decide the issue afresh in accordance with law, after giving a reasonable opportunity to the assessee.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 6<sup>th</sup> September, 2017 at Chennai.

sd/-

(एस जयरामन)

(S. Jayaraman)

लेखा सदस्य/Accountant Member  
चेन्नई/Chennai,

दिनांक/Dated, the 6<sup>th</sup> September, 2017.

sd/-

(एन.आर.एस. गणेशन)

(N.R.S. Ganesan)

न्यायिक सदस्य/Judicial Member

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)-5, Chennai-34
4. Principal CIT- 9, Chennai
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.