

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL 'A' (SMC) BENCH : CHENNAI

श्री अब्राहम पी. जॉर्ज, लेखा सदस्य के समक्ष।

[BEFORE SHRI ABRAHAM P. GEORGE, ACCOUNTANT MEMBER]

आयकर अपील सं./I.T.A. No. 1397/Mds/2017

निर्धारण वर्ष /Assessment year : 2010-2011.

Mrs. Malini Ramesh,
"Sree" No.1171, TVS Colony,
Anna Nagar West Extn,
Chennai 600 101.

Vs. The Income Tax Officer,
Non Corporate Ward 7(4)
Chennai.

[PAN AVJPM 1925G]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by : Shri. T.T. Durairaj Kandiar, FCA
प्रत्यर्थी की ओर से /Respondent by : Shri. B. Sagadevan, IRS, JCIT.

सुनवाई की तारीख/Date of Hearing : 14-09-2017

घोषणा की तारीख /Date of Pronouncement : 19-09-2017

आदेश / ORDER

This appeal filed by the assessee is aggrieved on sustenance of a disallowance of ₹6,05,500/- by the Id. Commissioner of Income Tax (Appeals)-7, Chennai through his order dated 27.04.2017.

2. Facts apropos are that assessee a salaried employee and also having income from capital gains and other sources had

maintained bank accounts with M/s. Axis Bank. Ld. Assessing Officer during the assessment proceedings found that there were certain cash deposits in such bank accounts. These cash deposits as listed by Id. Assessing Officer were as under:-

<i>Sl.No</i>	<i>Name of the Bank</i>	<i>Name of the A/c. Holder</i>	<i>Date</i>	<i>Amount ₹</i>
<i>1</i>	<i>Axis Bank</i>	<i>Malini Ramesh</i>	<i>19.12.2009</i>	<i>1,00,000</i>
<i>2</i>	<i>Axis Bank</i>	<i>Malini Ramesh</i>	<i>22.12.2009</i>	<i>5,50,000</i>
<i>3</i>	<i>Axis Bank</i>	<i>Malini Ramesh</i>	<i>06.03.2010</i>	<i>1,00,000</i>
<i>4</i>	<i>Axis Bank</i>	<i>Malini Ramesh & Ramesh Sridhar</i>	<i>17.12.2009</i>	<i>7,65,000</i>
<i>Total Cash deposits in bank accounts</i>				<i>15,15,000</i>

Explanation of the assessee was that she had received cash gift of ₹9,10,000/- from her husband who was working abroad. As per the assessee, her husband had an NRE account with State Bank of India and withdrawals from such NRE account were given to her as gifts. Confirmations were also filed. However, as per Id. Assessing Officer against total bank deposits of ₹15,15,000/-, assessee could offer explanation only for ₹9,10,000/-. He made an addition for the balance sum of ₹6,05,000/-.

3. In her appeal before the Id. Commissioner of Income Tax (Appeals), argument of the assessee was that, out of the credits which were considered for addition, there was deposit of ₹7,65,000/- on 17.12.2009 which was in a bank account which was held in her husband's name. As per the assessee the cash flow statement proved the source for the deposits. However, Id. Commissioner of Income Tax (Appeals) was of the opinion that the cash flow statement did not show the source of the deposits. He confirmed an addition of ₹6,05,000/-.

4. Now before me, Id. Authorised Representative strongly assailing the order of the Id. Commissioner of Income Tax (Appeals) submitted that the bank account in which the sum of ₹7,65,000/- was deposited on 17.12.2009 was in the name of Shri. Ramesh Sridhar, husband of the assessee. According to Id. Authorised Representative assessee was only a joint holder. He contended that credits in such joint account of which primary name was that of assessee's husband could not be considered for addition in assessee's hand.

5. Per contra, Id. Departmental Representative submitted that just because the account was held in joint name assessee could not say that addition should only be made in her husband's name.

6. I have considered the rival contentions and perused the orders of the authorities below. The total credits in the bank accounts aggregated to ₹15,15,000/-. Assessee's explanation for the sum of ₹9,10,000/- out of the above, was accepted by the Id. Assessing Officer. Now the claim of the assessee is that ₹7,65,000/- deposited on 17.12.2009 was in an account of her husband Shri. Ramesh Sridhar who was an NRE. Assessee has placed on record copy of this account with M/s. Axis Bank. Caption of the said account reads as under:-

*Ramesh Sreedhar
Joint Holder :- Malini Ramesh
No. 1171, TVS Colony,
5th Street,
Anna Nagar West Ext
Chennai
Tamil Nadu
600101.*

*Customer No.345015692
Scheme:- Savings – Easy Access
Currency : INR*

It is clear from the above that the primary account holder was Shri. Ramesh Sridhar and not Smt. Malini Ramesh the assessee. In my opinion, assessee could not have been saddled with a tax liability on credits made by her husband in an account of which he was the

primary holder. That apart, I also find that Shri. Ramesh Sridhar was an assessee having PAN ALZPR0620D and had also filed a return for the impugned assessment year. I therefore find no reason to sustain the addition made by the Id. Assessing Officer. Such addition stands deleted.

7. In the result, the appeal of the assessee stands allowed.

Order pronounced on Tuesday, the 19th day of September, 2017, at Chennai.

Sd/-
(अब्राहम पी. जॉर्ज)
(ABRAHAM P. GEORGE)
लेखा सदस्य/ACCOUNTANT MEMBER

चेन्नई/Chennai

दिनांक/Dated:19th September, 2017

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आदेश की प्रतिलिपि अग्रेषित/Copy to:

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| 1. अपीलार्थी/Appellant | 3. आयकर आयुक्त (अपील)/CIT(A) | 5. विभागीय प्रतिनिधि/DR |
| 2. प्रत्यर्थी/Respondent | 4. आयकर आयुक्त/CIT | 6. गार्ड फाईल/GF |