

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DIVISION BENCH, 'A' CHANDIGARH**

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER  
AND Ms. ANNAPURNA GUPTA, ACCOUNTANT MEMBER**

**ITA No. 1088/CHD/2016**  
Assessment Year : 2009-10

The ITO,  
Ward-Samana,  
Ayakar Bhawan,  
Patiala.

Vs. Sh Iqbal Singh S/o Sh. Virsa Singh  
Village Dhainthal, P.O.Chauth,  
Tehsil Samana

PAN No. CZEPS4965F

(Appellant)

(Respondent)

Appellant by : Sh. K.S. Bains, Addl. CIT  
Respondent by : None

Date of Hearing : 18.04.2018  
Date of Pronouncement: 18.04.2018

**ORDER**

**Per Sanjay Garg, Judicial Member:**

The present appeal has been preferred by the Revenue against the order dated 26.08.2016 of the Commissioner of Income Tax [hereinafter referred to as CIT(A)], Patiala.

2. The Department is aggrieved against the action of the CIT(A) in deleting the addition made by the Assessing officer on account of unexplained bank deposits found in the account of the assessee. A perusal of the impugned order of the CIT(A) reveals that the assessee during appellate proceedings before CIT(A) had filed the application under Rule 46A of the Income-tax Rules, 1962 and sought to produce additional evidences, such as copy of the agreement to sell

and copy of the registered sale deed etc. to prove that the bank deposits of the assessee were out of the sale proceeds of agricultural land sold by the assessee. The Ld. CIT(A) admitted the aforesaid additional evidences and called for the remand report from the Assessing officer in this respect. After considering the remand report of the Assessing officer, the Ld. CIT(A) gave a categorical finding that the additional evidences have not been controverted by the Assessing officer rather the Assessing officer verified the genuineness of the same and found the same as correct.

The Ld. CIT(A), on the basis of the remand report of the Assessing officer held that the assessee had been able to prove the source of the deposits made in the bank account of the assessee. He, therefore, deleted the additions so made by the Assessing officer.

4. None has come present on behalf of the assessee. Before us, the Ld. DR has submitted that the assessee, in fact, did not cooperate in the assessment proceedings and that the Assessing officer had to frame the assessment on the basis of best judgment as provided u/s 144 of the Income-tax Act, 1961 (in short 'the Act'). May it be so, but, the assessee had appeared before the CIT(A) and explained about the source of deposits. The Ld. CIT(A) after considering the submissions of the assessee as well as the remand report of the Assessing officer has deleted the additions. We therefore, do not find any infirmity in the order of the CIT(A) and the same is upheld.

There is no merit in the appeal of the Revenue and the same is accordingly dismissed.

5. Before parting with the order, we must point out about the regular practice of the Department by filing unnecessary appeals. When all the documents have been verified by the Assessing officer and the contention of the assessee had been found to be correct, we are unable to understand how the Department still remained aggrieved by the order of the CIT(A), who had just given his decision on the basis of the remand report of the Assessing officer. We, therefore, recommend that the Department should make proper exercise before filing the appeal before the higher authorities so that the frivolous and meritless appeals can be avoided.

Order pronounced in the Open Court

**Sd/-**  
**(ANNAPURNA GUPTA)**  
**ACCOUNTANT MEMBER**  
Dated : 18.04.2018  
Rkk

**Sd/-**  
**(SANJAY GARG)**  
**JUDICIAL MEMBER**

*Copy to:*

- *The Appellant*
- *The Respondent*
- *The CIT*
- *The CIT(A)*
- *The DR*