

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'D' BENCH: CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं
श्री अब्राहम पी. जॉर्ज, लेखा सदस्य के समक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI ABRAHAM P.GEORGE, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.2803/Chny/2017
निर्धारण वर्ष /Assessment Year: 2014-15

Sri Swaminathan Balasubramani,
15/22, VOC Colony,
1st Street, Aminjikarai,
Chennai-600 029.

Vs. The Income Tax Officer,
International Taxation 2(2),
Chennai-34.

[PAN: AQJPS 5165 R]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Mr.M.Karunakaran, Adv.

प्रत्यर्थी की ओर से /Respondent by

: Mr.B. Sagadevan, JCIT

सुनवाई की तारीख/Date of Hearing

: 20.06.2018

घोषणा की तारीख /Date of Pronouncement

: 25.06.2018

आदेश / O R D E R

PER ABRAHAM P.GEORGE, ACCOUNTANT MEMBER:

In this appeal filed by the assessee which is directed an order dated 16.08.2017 of Commissioner of Income Tax (Appeals)-16, Chennai, It is aggrieved on an addition of Rs.25,00,000/- made by the AO for deposits made by the assessee in his bank account which was confirmed by the Ld.CIT(A).

2. Ld.Counsel for the assessee submitted that the Ld.CIT(A) had dismissed the appeal of the assessee without considering the grounds raised by him. As per the

Ld.AR, it was true that the assessee could not appear before the Ld.CIT(A) when the matter was posted for hearing since he was a Non-Resident Indian. However, according to him, assessee has sufficient source for the sum of Rs.25,00,000/- deposited in his bank account with Syndicate Bank. Contention of the Ld.AR that the money was received from assessee's father Dr. K. Balasubramanyam who had retired from Anna University. As per the Ld.AR, assessee's mother had given a confirmation for the above, since Dr. K. Balasubramanyam was no more. Contention of the Ld.AR, assessee was not given a fair chance for explaining the deposits.

3. Per contra, the Ld.DR submitted that despite giving sufficient opportunities, assessee could not furnish any evidence for the source of the deposit made by the assessee in his bank account.

4. We have heard the rival contentions. It is an admitted fact that the assessee is a Non-Resident Indian. Assessee had cash deposits aggregating to Rs.40,30,000/- in his account No.60212010091040 with Syndicate Bank. Assessee had explained the said deposits as coming out of earlier withdrawals and a sum of Rs.25,00,000/- received by him from his father in cash during the period from August, 2013 to September, 2013. The AO had not accepted the explanation for the sum of Rs.25,00,000/- citing a reason that the assessee was not able to produce any documentary evidence. Ld.CIT(A) had confirmed the addition mainly for the reason that the assessee did not appear on various dates when the matter was posted for hearing. Be that as it may, now before us Ld.AR has produced, a confirmation from Smt.B.Naga wife of Dr. K. Balasubramanyam confirming that latter had given cash of Rs.25,00,000/- to his son. It is also mentioned that Dr. K. Balasubramanyam had

passed away in August, 2013. Considering the facts and circumstances of the case, we are of the opinion that the assessee can be given one more chance to explain the source of deposit of Rs.25,00,000/-. We, therefore, set aside the orders of the authorities below and remit the issue back to the AO for consideration afresh in accordance with law.

5. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the Open Court in June 25, 2018, in Chennai.

Sd/-

(एन.आर.एस. गणेशन)

(N.R.S. GANESAN)

न्यायिक सदस्य/**JUDICIAL MEMBER**

Sd/-

(अब्राहम पी. जॉर्ज)

(ABRAHAM P.GEORGE)

लेखा सदस्य/**ACCOUNTANT MEMBER**

चेन्नई/Chennai,

दिनांक/Dated: June 25, 2018.

TLN

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

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