

**IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "SMC", PUNE**

**BEFORE SHRI R.S. SYAL, VICE PRESIDENT**

**आयकर अपील सं. / ITA Nos.2865 to 2869 and 2874/PUN/2017**  
**निर्धारण वर्ष / Assessment Years : 1996-97 to 2001-02**

Shri Sanjay Bhairu Vaskar,  
Plot No.27, Kedarnagar,  
Morewadi, Kolhapur – 416013  
PAN : ACOV9987D

.....अपीलार्थी/Appellant

Vs.

ITO, Ward-1(1),  
Kolhapur

.....प्रत्यर्थी /Respondent

**आयकर अपील सं. / ITA Nos.2875 to 2880/PUN/2017**  
**निर्धारण वर्ष / Assessment Years : 1996-97 to 2001-02**

Shri Vilas Bhairu Vaskar,  
Ramchandra Apartment,  
14<sup>th</sup> Lane, Rajarampuri,  
Kolhapur – 416 008  
PAN : AAHPV7617C

.....अपीलार्थी/Appellant

Vs.

ITO, Ward-1(1),  
Kolhapur

.....प्रत्यर्थी /Respondent

Assessee by : Shri M.K. Kulkarni  
Revenue by : Shri M.K. Verma

सुनवाई की तारीख / <b>Date of Hearing : 05.11.2018</b>	घोषणा की तारीख / <b>Date of Pronouncement: 06.11.2018</b>
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**आदेश / ORDER**

**PER R.S.SYAL, VP :**

These 12 appeals by the two different but related assessees relate to the A.Yrs. 1996-97 to 2001-02. Since these appeals are based on similar facts and identical grounds, I am, therefore, proceeding to dispose them off by this consolidated order for the sake of convenience.

**ITA Nos.2865 to 2869 & 2874/PUN/2017 – Shri Sanjay Bhairu Vaskar - A.Yrs. 1996-97 to 2001-02 :**

2. Briefly stated, the facts of the case for the Assessment year 1996-97 are that information was received by the Department from the Police authorities that the assessee and his brother, the other assessee in this batch of appeals, earned huge money and acquired several properties therefrom. They were found to be involved in illegal money lending business and were convicted by the District Court, Pune. The Department conducted enquiries on the basis of such information which transpired that the assessee and his brother had made investments in construction of bungalows, motor car and money lending business for different years. The assessee pleaded denial of any such involvement in money lending business. Brushing aside such a denial, the AO made an addition of Rs.1 lakh to the total income on account of money lending business for the year under consideration. Based on similar facts, the AO made addition at the rate of Rs.1.00 lac each in the other years involved in this batch. The Ld. CIT(A) sustained such additions of Rs.1 lakh each despite the assessee's contention that the Hon'ble Bombay High Court has had still not yet decided the appeal of the assessee on the issue of carrying on money lending activity, as claimed by the Revenue. The assessee is aggrieved by the confirmation of such additions.

3. Having heard the rival submissions and perused the relevant material on record, it is seen that similar issue came up for consideration before the Tribunal in the case of the other assessee, namely, Sh. Vilas B. Waskar, for the A.Yrs. 1997-98 to 2001-02. Vide its order dated 30-11-2006, the Tribunal restored

the matter to the file of Ld. CIT(A) for deciding this issue afresh after providing an opportunity of being heard to the assessee. The Tribunal further held that the ld. first appellate authority shall examine the judgment of Hon'ble High Court having bearing on money lending business within one month from the date of such judgment, a copy of which will be provided by the assessee and then decide the issue. The ld. AR contended that the judgment of the Hon'ble Bombay High Court is still awaited. The ld. DR did not controvert this submission. Both the sides fairly agreed that the facts and circumstances of the instant appeals are *mutatis mutandis* similar to those considered and decided by the Tribunal in the aforementioned order in ITA No.1556 to 1561/PUN/2004 passed, wherein the matter has been restored to the file of Ld. CIT(A). In view of the foregoing discussion and respectfully following the precedent, I set aside the impugned combined order and remit the matter to the file of Ld. CIT(A) for deciding this issue afresh in consonance with the directions given by the Tribunal in the aforementioned order.

4. In the result, all the appeals are allowed for statistical purposes.

**ITA Nos.2875 to 2880/PUN/2017 – Shri Vilas Bhairu Vaskar - A.Yrs. 1996-97 to 2001-02 :**

5. Both the sides are unison in submitting that the facts and circumstances of these appeals are *mutatis mutandis* similar to those filed by Shri Sanjay Bhairu Vaskar for the A.Yrs. 1996-97 to 2001-02, dealt with hereinabove. In fact, both the sides adopted the arguments advanced by them in the course of appeals filed by

*Sanjay Bhairu Vaskar and  
Vilas Bhairu Vaskar*

Shri Sanjay Bhairu Vaskar and no separate submission was put forth. Following the view taken herein above, I set aside the impugned orders and remit the matter to the file of Ld.CIT(A) for deciding this issue afresh in consonance with the directions given by the Tribunal in the case of the assessee vide its order dated 30-11-2006.

6. In the result, all the appeals are allowed for statistical purposes.

Order pronounced in the Open Court on 06<sup>th</sup> November, 2018.

Sd/-  
**(R.S.SYAL)**  
उपाध्यक्ष/ VICE PRESIDENT

पुणे Pune; दिनांक Dated : 06<sup>th</sup> November, 2018  
सतीश

**आदेश की प्रतिलिपि अग्रेषित/Copy of the Order is forwarded to :**

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. आयकर आयुक्त(अपील) / The CIT (Appeals)-1, Kolhapur
4. आयकर आयुक्त / The Pr. CIT-1, Kolhapur
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "SMC" / DR 'SMC', ITAT, Pune;
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

**// True Copy //**

Senior Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune

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