

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ "ए", चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL, CHANDIGARH BENCH "A", CHANDIGARH

श्री संजय गर्ग, न्यायिक सदस्य एवं डा. बी.आर.आर. कुमार, लेखा सदस्य
BEFORE: Sh. SANJAY GARG, JM & DR. B.R.R. KUMAR, AM

आयकर अपील सं./ ITA NO. 484/Chd/2017
निर्धारण वर्ष / Assessment Year : 2011-12

Karnail Singh H.No. 17/20, Gobind Garh Kurukshehra	बनाम	The ITO Ward-1 Kurukshehra
स्थायी लेखा सं./PAN NO: AQPPS9309H		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

निर्धारिती की ओर से/Assessee by : Shri. S.K. Mukhi
राजस्व की ओर से/ Revenue by : Smt. Chandrakanta

सुनवाई की तारीख/Date of Hearing : 10/09/2018
उद्घोषणा की तारीख/Date of Pronouncement : 31/10/2018

आदेश/Order

PER DR. B.R.R. KUMAR, A.M

The present appeal has been filed by the Assessee against the order of the Ld. CIT(A), Karnal dt. 02/01/2017.

2. In the present appeal Assessee has raised the following grounds:

1.(A) That the Ld. CIT(A) is not justified in concurring with the orders passed by the A.O., confirming the addition to the extent of Rs. 23,01,000/- (i.e., Rs. 48,51,000/- - Rs. 25,50,000/-) by treating it as unexplained cash deposits and there by remanding the issue to A.O., to verify the transactions and to make additions to the extent of Rs. 23,01,000/- for which also complete explanation alongwith evidences were filed and hence the order is illegal, without jurisdiction, arbitrary and thus bad in law and so needs to be quashed.

(B) That without prejudice to above, the appellant also disputes quantum of addition as highly excessive and thus perverse.

3. Brief facts of the case are that the Assessing Officer made addition of Rs. 64,58,000/- on account of deposits in the IDBI Bank Account and ICICI Bank Account .

4. Ld. CIT(A) after obtaining the remand report has accepted the deposits of Rs. 25,50,000/- and confirmed the remaining amount of Rs. 23,01,000/- which the Assessing Officer held that the deposits could not be properly explained by the assessee.

5. Before us , the Ld. AR brought to our notice that the deposits dated 04/05/2010 of Rs. 8,50,000/- , have been explained by filing J Form of Rs. 3,98,452/- which has not been considered by the Assessing Officer while sending the remand report. Further, he submitted that the amounts deposited on 27/05/2010 and 08/09/2010 of Rs. 5,00,000/- each were pertaining to the amounts received by the Agreement filed before the Assessing Officer from the person namely Shri. Sohan Lal which the Assessing Officer could not verify as per the remand report.

6. The AR pleaded that given an opportunity the entire details would be filed to the satisfaction of the Assessing Officer

7. Ld. DR argued that no further opportunity be given to the assessee has already sufficient opportunity were given in the earlier proceedings.

8. On going through the facts and circumstances of the case we find that the interest of the justice would be met if an opportunity is given to the assessee to produce all the relevant documents and persons before the Assessing Officer to prove the genuineness of the transaction of Rs. 23,01,000/-. The order of the CIT(A) to the extent of grievance raised in this appeal is set aside and the matter is restored to the file of the Assessing Officer accordingly. Appeal is treated as allowed for statistical purposes.

Order pronounced in the Open Court.

Sd/-
संजय गर्ग
(SANJAY GARG)
न्यायिक सदस्य/ Judicial Member
AG
Date: 31/10/2018

Sd/-
डा. बी.आर.आर, कुमार,
(DR. B.R.R. KUMAR, AM)
लेखा सदस्य/ Accountant Member

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File