

Accordingly, the AO made various additions and assessed the total income of the assessee at Rs.1,35,98,010/- and passed order u/s.143(3) of the Act, dated 28.03.2015.

3. Aggrieved by the order of AO, assessee preferred an appeal before the CIT(A). In the appellate proceedings, the AR of the assessee appeared and argued the grounds and reiterated the submissions made before the AO. The CIT(A) after considering the submissions of the assessee and the findings of AO, partly allowed the appeal of the assessee.

4. Aggrieved by the order of CIT(A), the Revenue has filed an appeal before the Tribunal.

5. Before us Id. DR supported the order of AO and submitted that source, nature, genuineness and creditworthiness of the given credit entry in the books of account of the assessee was not established and therefore prayed for allowing the appeal of Revenue.

6. On the other hand, Id. AR supported the order of CIT(A).

7. We have heard the submissions of Id. DR and perused the material on record. We find that the CIT(A) dealt on the disputed issue has called for the remand report from the AO and the AO has submitted the remand report from which the CIT(A) observed that since the entire sum of money so received have been disbursed to 105 villagers/land owners as per list submitted by the assessee duly evidenced by sale agreements for acquiring different acres of land in a village, named Chandankyari, the

taxability of the amounts in the hands of the assessee does not arise in the facts and circumstances of the case and deleted the addition. The observation of the CIT(A) in this regard is as under :-

“3.3 In view of the above remand report of the Assessing Officer duly forwarded and endorsed by the JCIT vide letter dated 25/11/2016, I find that the contentions of the appellant are acceptable. The addition of Rs. 1.25 crore on this issue is, therefore, not warranted in the hands of the appellant for the reasons that the money was received from Koyela Thermal Power Pvt. Ltd., New Delhi for purchase of land from the villagers at Bokaro for setting up of a Thermal Power Station. In the balance-sheet, 1.25 crore was shown as an advance received for land purchase on the asset side and liability was shown to Koyela Thermal Power Pvt. Ltd. against the same. Since the entire sums of money so received have been disbursed to 105 villagers/land owners as per list submitted by the appellant duly evidenced by sale agreements for acquiring different acres of land in a village, named Chandankyari, the taxability of the amounts in the hands of the appellant does not arise in the facts and circumstances of the case. The Assessing Officer is, therefore, directed to delete the addition of Rs.1.25 crore. The appellant succeeds on the grounds of appeal on this issue.”

8. During the course of hearing the Id. DR has only supported the order of Assessing Officer and could not bring any new cogent evidence to controvert the findings of the CIT(A) in this regard. Accordingly, we are of the opinion that having considered the remand report and findings of the AO and submissions of the assessee, the CIT(A) has passed a reasoned

order, which we uphold the same and dismiss the ground of appeal of Revenue.

9. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court on 27/11 /2018

Sd/-

(N.S.SAINI)

ACCOUNTANT MEMBER

Ranchi, Dated 27/11/2018

Prakash Kumar Mishra , Sr. Ps

Copy of the Order forwarded to :

1. The Appellant –
ITO, Ward-3(5), Bokaro
2. The Respondent –
Sri Nirmal Singh,
Prop: M/s J.K.Enterprises, 53, Co-
operative Colony, Bokaro-827001
3. The CIT(A) concerned
4. CIT , concerned
5. DR, ITAT, Ranchi
6. Guard file.

//True Copy//

Sd/-

(PAVAN KUMAR GADALE)

JUDICIAL MEMBER

BY ORDER,

SR.PS, ITAT, RANCHI