आयकर अपीलीय अधीकरण, न्यायपीठ – "B" कोलकाता,

IN THE INCOME TAX APPELLATE TRIBUNAL
*KOLKATA BENCH "**B**" KOLKATA*

Before **Shri J.Sudhakar Reddy, Accountant Member** and
Shri S.S.Godara, Judicial Member

ITA No.232/Kol/2017 & **C.O. No.37/Kol/2017** (a/o ITA No.232/Kol/2017) Assessment Year: 2013-14

ACIT, Central Circle-2(3) R.No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally, E.M. Bye-pass, Kolkata-107	बनाम / **V/s.**	Shri Sidhanat Gupta X-12, 2nd Floor, Hauz Khas, New Delhi-110016 [**PAN No.AEVPG 8722 Q**]
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent प्रतयाक्षेपक /Co-objector

ITA No.234/Kol/2017 & **C.O. No.27/Kol/2017** (a/o ITA No.234/Kol/2017) Assessment Year: 2013-14

ACIT, Central Circle-2(3) R.No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally, E.M. Bye-pass, Kolkata-107	बनाम / **V/s.**	Shri Sanjay Dhingra House No.14, Road No.8, Punjab Bagh East, New Delhi-110026 [**PAN No.AAFPD 9561 J**]
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent प्रतयाक्षेपक /Co-objector

ITA No.1485/Kol/2017 & **C.O. No.84/Kol/2017** (a/o ITA No.1485/Kol/2017) Assessment Year: 2014-15

ACIT, Central Circle-2(3) R.No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally, E.M. Bye-pass, Kolkata-107	बनाम / **V/s.**	Dilip Kumar Modi 243BG, Block-J, New Alipore, Kolkata-700053 [**PAN No.AEZPM 2127 B**]
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent प्रतयाक्षेपक /Co-objector

ITA No.1535/Kol/2017 &
C.O. No.88/Kol/2017
(a/o ITA No.1535/Kol/2017)
Assessment Year: 2013-14

ACIT, Central Circle-2(3) R.No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally, E.M. Bye-pass, Kolkata-107	बनाम / **V/s.**	Kamlesh Agarwal 547, Block N, New Alipore, Kolkata-700053 [**PAN No.ADCPA 9884 D**]
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent प्रतयाक्षेपक /Co-objector

ITA No.1541/Kol/2017 &
C.O. No.108/Kol/2017
(a/o ITA No.1541/Kol/2017)
Assessment Year: 2013-14

ACIT, Central Circle-2(3) R.No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally, E.M. Bye-pass, Kolkata-107	बनाम / **V/s.**	Niranjan Lal Agarwal P-547, N-Block, New Alipore, Kolkat-700053 [**PAN No.ADCPA 9883 E**]
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent प्रतयाक्षेपक /Co-objector

ITA No.2293/Kol/2017 &
C.O. No.107/Kol/2018
(a/o ITA No.2293/Kol/2017)
Assessment Year: 2013-14

ACIT, Central Circle-2(3) R.No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally, E.M. Bye-pass, Kolkata-107	बनाम / **V/s.**	Shri Murarilal Agarwal P-547, Block-N, New Alipore, Kolkata-700053 [**PAN No.AFAPA 1959 B**]
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent प्रतयाक्षेपक /Co-objector

आवेदक की ओर से/By Assessee	Shri A.K.Tibrewal, FCA & Shri Amit Agarwal, AR
राजस्व की ओर से/By Revenue	Shri A.K.Siniigh, CIT-Sr.DR & Shhri Rabin Choudhury, Addl CIT-Sr-DR
सुनवाई की तारीख/Date of Hearing	08-04-2019
घोषणा की तारीख/Date of Pronouncement	24-04-2019

आदेश /O R D E R

PER S.S.Godara, Judicial Member:-

The instant batch of twelve cases pertains to six assessees. All these Revenue's appeal(s) and assessees' cross objections cases arise from the Commissioner of Income Tax (Appeals)-20, Kolkata's identical order(s) upholding / partly confirming the Assessing Officer's action imposing the penalt(ies) in issue; involving proceedings u//s 271AAB of the Income Tax Act, 1961; in short 'the Act'. Relevant assessment year in all these cases are assessment years 2013-14 & 2014-15.

2. It transpires at the outset that one of the Revenue's appeal ITA No.2293/Kol/2017 suffers 130 days' delay in filing. It has placed on record its condonation petition stating reasons thereof to various procedural formalities and compilation of the necessary records at departmental level. The assessee is fair enough in not disputing correctness of the said condonation averments. We therefore condone

the above identical delay in Revenue's appeal. The same is now taken up for adjudication on merits.

3. Heard both the Revenue as swell as all these assessees vehemently reiterating their respective stands against and in support of the impugned penalty(ies) imposed by the Assessing Officer and partly upheld in the lower appellate proceedings to the following effect:-

Name of assessee	ITA No.	CO No.	Suo moto disclosure	Disclosure of cash/jewellery/ Others	Total disclosure	Penalty levied u/s 271AB	Penalty deleted by CIT(A)	Penalty confirmed by CIT(A)
Shri Sidhant Gupta	232/K/17	37/K/17	186500000	13585737	200085737	60025721	55950000	4075721
Sanjay Dhingra	234/K/17	27/K/17	194200000	5796462	199996462	59998938	58260000	1738938
Dilip Kr. Modi	1485/K/17	84/K/17	33132500	1367500	34500000	345000	3313250	136750
Kamlesh Agarwal	1535/K/17	88/K/17	7600000	652350	8252350	2475705	2280000	195705
Niranjan Lal Agarwal	1541/K/17	108/K/17	14450000	--	14450000	4353000	4353000	---
Murari Lal Agarwal	2293/K/17	107/K/18	12200000	3353920	15553920	4666176	3660000	1006176

It transpires at the outset that the identical issue raised in all these Revenue appeal(s) as well as in assessees' cross-objections is as to whether the CIT(A) has rightly confirmed the Assessing Officer's action in part imposing the impugned u/s 271AAB penalt(ies) in relation to the search in question dated 04.10.2012. It is in this backdrop of facts that we treat the Revenue's first appeal and the assessee Shri Sidhant Gupta's cross-objection therein ITA No.232/Kol/2017 and CO No.37/Kol/2017 to be the "**lead**" cases.

4. We advert to the basic relevant facts. There is no dispute about the search in issue to have been conducted on 04.10.2012 at assessee's business and residential premises. The same led to undisclosed income disclosure of ₹20,00,85,737/- including cash of ₹1,35,85,737/-, jewelry / other valuables of ₹1,22,35,737/- and other income derived from dairies business, real estate business and financial activities transactions amounting to ₹18.65 crores. The Assessing Officer thereafter framed the assessment in issue accepting assessing income of ₹20,00,85,737/- on 27.03.2015. There is further no quarrel that the said assessment attained finality at this stage itself.

5. We now come to the impugned penalty proceedings. The Assessing Officer's penalty order dated 29.09.2015 held that the assessee's undisclosed income during the

search in issue attracted the impugned penal provision being a clear-cut inistance of unbearing of undisclosed income. He therefore declined the taxpayer's written submissions dated 17.08.2015 pleading therein that there was no evidence pin-pointing any undisclosed income or assets found or seized during the course of search. The Assessing Officer thus levied the impugned penalty of ₹6,00,25,721/-.

6. The assessee preferred appeal. The CIT(A) has partly affirmed the impugned penalty of ₹1,35,85,737/- only to the extent of the undisclosed income corroborating evidence found / seized during the course of search as follows:-

> *"During the appellate proceedings the AR has made oral submission as well as filed a written submission on this issue which is as under:-*
>
> > ' I re-iterate that such offering of Rs.18,65,00,000/- was made suo moto and to buy peace and was not backed by any evidence of undisclosed income or any undisclosed assets / items that had been found / inventorised by the Department and as such on penalty u/s 71AAB should be imposed. The similar view has also been expressed by the Hon'ble High Court of Gujarat in the case of Girish Devchand Rajani [2013] 33 taxmann.com 174 (Gujarat) where it had been held that where assessee to buy peace and to avoid protracted litigation filed revised return disclosed disclosing additional income, imposition of penalty under section 271(1)(c) upon assessee on plea that he had furnished inaccurate particulars of income was not justified.
> >
> > Further, in the case of Punjab Tyres [1986] 162 ITR 517 (Madhya Pradesh), the Hon'ble High Court of Madhya Pradesh also held that when surrender is made to purchase peace or for other similar reason, surrender cannot amount to admission, constituting evidence of concealment in penalty proceedings.
> > I also rely on the judgement of the Supreme Court of India in the case of Dilip N. Shroff vs. Jt. CIT [2007] 291 ITR 519 (SC) wherein it was held that imposition of penalty is not automatic. Levy of penalty is not only discretionary in nature, but such discretion is required to be exercised on the part of the Assessing Officer, keeping the relevant factors in mind.
> > In this regard, I would like to state that assessment has been completed based on the explanations given and documents produced during the course of assessment without making any further addition on the ground of disclosure. I had been a co-operative assessee during the course of assessment proceedings.
>
> *I have consier4ed the findings in the penalty order and submissions made by the AR during the appellate proceedings. I find that the AO has taken the undisclosed income of the assessee found during the search operation u/s. 1132 (for which evidences, documents/papers, stock, cash etc were found) along with the amount declared suo moto by the assessee (for which no evidence, papers/documents, stock, cash etc were found during the search operation) in order to buy peace of mind and avoid any further litigation. The assessee has brought on record the case law of Dilip N Shroff vs CIT (2007) 291 ITR 519 (SC). In this case law the Hon'ble Supreme Court has held that imposition of penalty is not automatic. Levy of penalty is not only discretionary in nature, but such discretion is required to be exercised on the part of the Assessing*

Officer keeping the relevant factors in mind. The AR has also brought on record the case of Punjab Tyres (Punjab Tyres [1986] 162 ITR 517 (Madhya Pradesh), the Hon'ble High Court Madhya Pradesh) in which it was held that when surrender is made to purchase peace or for other similar reason, surrender cannot amount to admission, constitution evidence of concealment in penalty proceedings.

The AR has brought on record the case law of Sudharsan Silk and Sarees, 300 ITR 30 (SC) in this case, the Hon'ble Supreme Court has held that if the appellant offers any amount for taxation for the purpose of purchasing peace and assessment has been made based upon the aforesaid offerings, even if no assurance in writing is given by the searching party, it may be clearly inferred that such an inducement must have been given by the searching party. When only partial evidence or no evidence in support of concealment was detected during the search, why would a person go to offer a higher amount unless he was promised some reciprocal benefits like not being visited by penalty. Thus, sit was held that where additions have been made based on assessee's own offerings, penalty provision shall not lie.

I find that during the search and seizure operation u/s. 132 in this case evidences regarding concealment/undisclosed income in the form of cash seizure/papers/documents/stock etc were found and seized of the value of Rs.1385737/- only. Nothing incriminating/no evidences were found regarding Rs.186500000/- which was offered for taxation by the assessee suo moto in order to buy peace of mind. I also find that neither the offers in the investigation wing in the post search investigation nor the Assessing Officer during assessment process found any discriminating evidence of undisclosed income other than the statement of the assessee for making the addition of Rs.186500000/-.

Further I find that the AO has levied penalty u/s. 271AAB(1)(c). This section read like sum computed at the rate of thirty per cent of the ***undisclosed income*** *of the* ***specified previous year****.*

Thus, it is clear that in order to levy penalty two things are essential (1) undisclosed income and (2) specified previous year. Here in this case Rs.186500000/- was offered for taxation by the assessee suo moto in the statement recorded at the time of search. From the ratio decided by the Hon'ble Supreme Court in the case of Sudarshan Silk & Saries (supra), it is clear that only the statement of the assessee without any corroborating evidence cannot be the only basis for levying penalty. Here it is also clear that from the statement of the assessee one cannot point out which amount of undisclosed income pertains to which specified previous year. In this situation, where nothing is clear from assessee's statement recorded at the time of search, the action of the AO to levy penalty u/s. 271AAB(1)(c) on the amount offered by the assessee suo moto to buy peace of mind, cannot be justified. The Hon'ble Supreme Court has also categorically decided the ratio that penalty cannot be levied on the amount offered by the assessee in order to buy peace of mind [in the case of Sudarshan Silk & Sarees (supra)]. Thus, respectfully following the ratio decided by the Hon'ble Supreme Court, the AO is directed to calculate and levy penalty u/s. 271AAB(1)(c) on Rs.13585737/- only. Accordingly, assessee's appeal on grounds no 1, 2 and 3 are partly allowed."

All this leaves both the parties aggrieved. The Revenue's case seeks to revive the Assessing Officer's action imposing impugned penalty in enterety whereas the

taxpayer's argument in his cross-objection that CIT(A) ought to have deleted the impugned penalty in issue in full; respectfully.

7. We have given our thoughtful consideration to rival contentions. The Revenue vehemently contends during the course of hearing that the Assessing Officer had rightly imposed the impugned penalty on account of assessee having declared his undisclosed income of ₹20,00,85,737/- comprising various head(s) (supra). Our attention is also invited to various case laws:-

a) CIT vs. Punjab Tyres (1986) 162 ITR 517 (MP)

b) P.CIT vs. Dr. Vandana Gupta (2018) 92 taxmann.com 229 (Del)

c) Sandeep Chandak vs. PCIT (2018) 93 taxmann.com 406(SC)

d) Prasanna Dugar vs. CIT (2016) 70 taxmann.com 175 (SC)

e) MAK Data (P) Ltd. vs. CIT (2013) 38 taxmann.com 448 (SC)

The Revenue further files its written submissions to the following effect:-

> *"Statement of facts:*
> *In consequence of search & seizure/survey operation carried out in the business premises of the assessee and in residential premises of the directors of the assessee on 13.02.2013, the assessee has admitted an undisclosed income of Rs.1,44,50,000/- u/s. 132(4). The assessee has also submitted manner of earning of search income and application thereof in their disclosure petition u/s. 132(4) that* "The manner of earning of the same is out of business activities which are out of family business activities." *The disclosed income of Rs.1,44,50,000/- was considered as undisclosed income in the order passed u/s. 143(3) for the specified year 2013-14. Accordingly, penalty notice u/s. 271AAB(1)(c) was imposed for Rs.43,35,000/- on 29.09.2016.*
>
> *The assessee preferred appeal against the order u/s. 271AAB(1)(c) before the CIT(A)-20 Kolkata who has held in view of several cited court's decision including the decision of the Hon'ble Supreme Court in the case of Sudharsan Silk and Sareees, (300 ITR 30) and Dilip N. Shroff Vs. Jt. CIT (291 ITR 519) that no evidence was detected during the search/survey operation in respect of disclosed income of Rs.1,44,50,00/- and the assessee has offered only for buying peace of mind. Hence the penalty levied by the AO on such suo moto disclosed income is not justified.*
> *The case laws cited by the assessee are different than the facts of the instant case which is being discussed below:*
> 1. *<u>Sudarshan Silk and Sarees</u>*
>   *Facts of the case are:*
>   *During search conducted at the premises of the assessee-firm, certain incriminating documents were unearthed evidencing concealment of income by the assessee. The assessee filed its revised returns declaring such additional income as had been estimate by the search party. Though the income as per revised returns was accepted in toto, yet the Assessing Officer chose to levy the maximum penalty under section 271(1)(c)*

Observation of the AO.

1. *This is to bring to the record that there is no mention of the fact that if evidence is not detected commensurate to the disclosed income, then for that part penalty should not be levied. Statute only describes of the perimeter of the leviable penalty in three different circumstances where the penalty is harsher if guidelines are not followed and even if all the guidelines are adhered and matched, then also there is a minimum penalty on the disclosure. Same is shown in the table below:*

TIME OF DICLOSURE OF UNDISCLOSED INCOME BY THE ASSESSEE	*PENALTY U/S 271AAA*	*PENALTY U/S 271AAB*
At any time during the course of search	*NIL*	*10% of the undisclosed income.*
Between any time from the date of termination of search to date of Return Filing	*10% of the undisclosed income.*	*20% of the un-disclosed income.*
At any time after the Return Filing Date	*20% of the undisclosed income.*	*Min. 30%-Max 90% of the undisclosed income as per the discretion of Income-Tax Officer.*

Legislative intent is very clear that Sec. 271AAA and Sec 271AAB are mutually exclusive. Booth cannot be levied upon the as simultaneously. The sole intent of Sec. 271AAB is to fasten the loops of Sec. 271AAA and to forbid the defaulter to escape by any means whatsoever without paying taxes on unexplained moneys. Relevant part from the memorandum of the Budget year of introduction is produced below in verbatim.:

> 'Under the existing provisions of section 271AAA of the Income-tax Act, no penalty is levied if the assessee admits the undisclosed income in a statement under sub-[section (4) of section 132 recorded in the curse of search and specifies the manner in which such income has been derived and pays the tax together with interest, if any, in respect of such income. As a result, undisclosed income (***for the current year in which search takes place or the previous year which has ended before the search and for which return is not yet due***) found during the course of search attracts a tax at the rate of 30% and no penalty is leviable. In order to strengthen the penal provisions, it is proposed to provide that the provisions of section 271AAA will not be applicable for searches conducted before 1st July, 2010. It is also proposed to insert a new provision in the Act (**section 271AAB**) for levy of penalty in a case where search has been initiated on or after 1ste July, 2012. The new section provides that, - (i) If undisclosed income is admitted during the course of search, the taxpayer will be liable for penalty at the rate of 10% of undisclosed income subject to the fulfillment of certain conditions. (ii) If undisclosed income is not admitted during the course of search but disclosed in the return of income filed after the search, the taxpayer will be liable for penalty at the rate of 20% of undisclosed income subject to the fulfillment of certain conditions. (iii) In a case not covered under (i) and (ii) above, t he taxpayer will be liable for penalty at the rate ranging from 30% to 90% of undisclosed income. These amendments will take effect from the 1st day of

July, 2011 and will, accordingly, apply to any search and seizure action taken after this date."

2. It will only provide an exit mechanism to the defaulters from the improved and amended provision of the penalty if search party have not collected the evidence for every single penny disclosed by the concerned assessee. Same view is also expressed by the jurisdictions High Court of Calcutta in the case of CIT vs. Prasanna Durgar, judgment of which is as follows:-

'The facts of the case are that a searech under section 132 was conducted at the premises of the assessee on February 3, 2009, IN course of search, the assessee made voluntary disclosure under section 132(4) disclosing a sum of Rs.6 crores even though no incriminating document suggesting any such undisclosed income was found. The said disclosure, as per the said deposition of the assessee recorded under section 131 was bifurcated into 3 persons, i.e. of Rs.3,50,00,000 was disclosed in the name of the assessee, Rs.2,25,00,000 was disclosed in the name of the assessee's wife, Smt. Rajshree Dugor, and Rs.25,00,000 was disclosed in the name of the limited company, viz., Indian Gem and Jewellery (Imperial) Pvt. Ltd. In which the assessee had substantial interest. It may be repeated that no concealed income was established from any of the papers and documents found in the course of search in the panchanama of the assessee or in other panchanamas. The entire disclosure was made voluntarily and in good faith which is apparent from question and answer No.22 in the statement recorded under section 131 wherein the assessee categorically states that he is voluntarily disclosing the income even though no incriminating documents have been found and all the purchases and sales are correctly recorded and the disclosure was made just to cover the papers and documents which he may not be able to explain. The assessee bifurcated his own disclosure of Rs.3.50 lakhs in respect to two parts, i.e. Rs.70,00,000 for the assessment year 2008-09 and Rs.2.80 lakhs for the assessment year 2009-10."

- *On the basis of the disclosure, the assessee filed a return on March 31, 2010, offering a sum of Rs.70,00,000 for taxation earned during the assessment year 2008-09. It is not in disputed that for the assessment year 2008-09, the assessee had earlier filed his return in which the aforesaid sums of Rs.70,00,000 was not disclosed. The case of the assessee, as such, came squarely within the provision of section 271(1)(c) of the Income-tax Act.*
- *The Assessing Officer passed an order of penalty, as indicated earlier, which was affirmed by the appellate authority. The Tribunal interfered with the order of the appellate authority on the basis of a judgment of the Appellate Tribunal, Muumbai, in the case of ITO (Central) v. Gope M Rochalani [IT Appeal No. 7737 (Mum.) of 2011, dated 25-05-2013]. The aforesaid judgment, Mr. Khaitan submitted, has to be read in conjunction with clause (b) of Explanation 5A to section 271(1), which provides as follows:*
  '(b) the due date for filing the return of income for such previous year has expired but the assessee has not filed the return'
- *The aforesaid clause, we are inclined to think, is not applicable to the case of the assessee for the simple reason that it is not the case of the assessee that he had not filed return for the assessment year 2008-09.*

Clause (b) quoted above, according to us, shall not apply to those cases where the assessee had filed a return but did not disclose the income, as in this case. His case shall be covered by clause (a), which provides as follows:

'(a) Where the return of income for such previous year has been furnished before the said date but such income has not been declared therein.'

- *The Tribunal, as such, fell into an error in proceeding on the basis that the assessee is entitled to get the benefit/immunity under clause (b) quoted above. The Tribunal also appears to have, for the purpose of interfering with the order of the appellate authority, relied upon its own judgment in the case of Ajit Kumar Surana v. Asstt. CIT [IT Appeal Nos. 835 & 836 (Kol) of 2013, dated 19-6-2013] which, even Mr. Khaitan did not dispute, has no manner of application to the facts and circumstances of the instant case. In the case of Ajit Kumar Surana, there was no search and seizure. In the case before us there was, in fact, a search and seizure on February 3, 2009. During the search and seizure, the disclosure was made on February 3, 2009. During the search and seizure, the assessee made a statement which was recorded by the officers of the Revenue. Stress was laid by the Tribunal on the expression "**voluntary**" but the Tribunal failed to understand that the meaning of the expression "**Voluntary**" in the context is that the statement made by him was not extorted from him by applying force. It is in that sense a voluntary disclosure which has been clarified by the assessee by stating in answer to question No. 23 that he had not given any statement under pressure and he did not want to rectify or modify the statement made by him.*
- *For the aforesaid reasons, we are of the opinion, that the order of the Tribunal in unsustainable in law and, therefore, is set aside. The order of the appellant authority is, therefore, restored.*
- *The appeal and the applications are thus disposed of."*

3. In case of Mak Data Pvt Ltd. vs. CIT, Honourable SC have observed following:

"Assessee has only stated that he had surrendered the additional sums with a view to avoid litigation, buy peace and to channelize the energy and resources towards productive work and to make amicable settlement with the income tax department.

Statue does not recognize those types of defences under the Explanation 1 to section 271(1)(c). It is strite law that the voluntary disclosure does not release the assessee from the mischief. Of penal proceedings under section 271(1)(c). The law does not provide that when an assessee makes a voluntary disclosure of his concealed income, he has to be absolved form penalty. [para 7].

The surrender of income on this case is not voluntary in the sense that the offer of surrender was made in view of detection made by the Assessing Officer in the search conducted in the sister concern of the assessee. In that situation, it cannot be said that the surrender of income was voluntary."

Above language clearly support the contention of office of undersigned.

Considering the revenue involved which is Rs.43,35,000/- and the facts of the Case discussed above, appeal before ITAT, if deem fit, maybe filed in this case."

The assessee's argument on the other hand in Revenue's appeal is that the CIT(A) has rightly deleted the impugned penalty not based on any corroborated evidence found or seized during the course of search.

8. It is in this backdrop of pleadings that we notice that the instant issue as to whether the impugned sec. 271AAB penalty is automatic post search involving the searched assessee's disclosure followed by assessment proceedings or not; stands answered in this tribunal's co-ordinate bench's decision in *DCIT vs. AKA Logistics Pvt. Ltd. & Ors.* in **ITA No. 1604, 1607 & 1610/Kol/2017** decided on 27.02.2019 as follows:-

> "*9. We have given our thoughtful consideration to rival contentions. There is hardly any dispute between the parties about the basic facts inter alia that the department had conducted the impugned search in these three assessees' cases wherein they declared their respective additional incomes they filed their respective returns accordingly including said additional incomes therein. The Assessing Officer accepted the same in consequential assessments. The sole dispute between the parties herein is about operation of the impugned penal provision i.e. section 271AAB of the Act. The Revenue's case before us is that it automatic comes into play the moment the searched-assessee makes any disclosure of undisclosed income whereas the assessee pleads that this penal provision applies in case the search itself leads to some specified material indicating undisclosed income defined in Sec. 271AAB Explanation (c) of the Act. The Revenue admittedly raises its arguments as per hon'ble apex court's decision in Sandeep Chandak (supra) declining the taxpayer's Special Leave petition in limine challenging hon'ble Allahabad high court's decision reviving the penalty therein. The Revenue's case appears to be carrying substance ab initio that as per hon'ble apex court's clinching observations whilst declining assessee's special leave petition that no ground was made out to interfere with the hon'ble high court's judgment under challenge. It does not stand on the correct side of law when we carefully study in all these legal developments. We find that the tribunal's co-ordinate bench's order in Sandeep Chandak vs. ACIT (2017) 185 TTJ 265 (Luc) had deleted sec. 271AAB penalty in issue primarily for the reasons that the Assessing Officer served only u/s. 271(1)(c) penalty notices, granted very short time to the taxpayer before levying the impugned penalty. It then observed that the Assessing Officer had not applied u/s 271AAB Explanations clause (a) to (c) as well in the given facts and circumstances. The Revenue preferred its appeal before hon'ble Allahabad high court finally culminating in judgment reported as (2018) 93 taxmann.405 (All) PCIT Vs. Sandeep Chadak. It raised three substantial question of law in its appeal as follows:-*
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> > "(A) Whether on the facts and circumstances of the case and in law, the Ld. ITAT has erred in not appreciating the facts that the notice was issued for imposition of penalty u/s. 271AAB and not for imposition of penalty u/s 271(a)(c) of the Act.?
> > (B) Whether on the facts and circumstances of the case and in law, the Ld. ITAT has erred in not appreciating the facts that the specific charge have in a statement under sub section 4 of section 132 during the course of search and seizure operation admitted undisclosed income was mentioned in the notice?
> > (c) Whether the benefit of Section 292BB was correctly denied to the AO/appellant by the ITIAT?"
>
> *10. It is in this factual backdrop that hon'ble high court had held that the Assessing Officer had issued the relevant notice u/s 271(1)(c) r.w.s. 274 containing all particulars and section 292B of the Act would apply since the assessee had never objected correctness thereof before*

the Assessing Officer in corresponding proceedings and had in fact respond to the notice in writing with an undertaking that this was the notice issued by the Assessing Officer u/s 271AAB of the Act. In other words, the assessee had not contended that the impugned notice was issued u/s 271(1)(c) r.w.s. 274 in its reply and was clear that the notice was issued to levy penalty u/s 271AAB of the Act. It is thus clear that the CIT-DR's argument that the Revenue has already succeeded on the issue as to whether the impugned penalty is automatically flows than from the additional income declaration made during search; does not find support from the hon'ble high court's discussion. We therefore go by various co-ordinate benches' decisions (supra) in these facts and circumstances to confirm the CIT(A)'s action deleting the impugned penalt(ies) to the extent indicated hereinabove forming part of subject-matter of adjudication of these three Revenue's appeals holding that sec. 271AAB comes into play in case of corresponding material only than automatic in case of a search. We wish to reiterate here in these facts that the tribunal's decisions (supra) have already held that Sec. 271AAB penalty applies in case of additional income defined under Explanation (c) of the Act. We therefore decline Revenue's three appeals. The assessee's cross objections No. 96 & 98/Kol/2017 supporting the CIT(A)'s order to this extent are rendered infructuous.

11. We now advert to second assessee's cross objection No.97/Kol/2017 challenging correctness of the sustained penalty component to the extent ₹17 lac (supra) based on incriminating material found / seized during search. Its first argument is that the relevant penalty notice nowhere indicated as to under which limb the Assessing Officer had initiated the impugned penalty proceedings is not sustainable. We find this first argument to be devoid of any merit since the Assessing Officer made it clear in assessment order dated 06.06.2014 that he had already initiated u/s 271AAB proceedings. Hon'ble Allhabad high court's decision (supra) involved such an issue wherein their lordships made it clear that these proceedings are automatic in case of search followed by Sec. 132(4) statement involving admission of undisclosed income. The assessee's first argument is rejected therefore.

12. Mr. Tibrewal thereafter files a written note raising yet another legal plea as follows:-

"4. Penalty under section 271AAB could be levied on "**Undisclosed Income**" of the "Specified Previous Year". The first clause (i) refers to income of the specified previous year represented by -

(i) any money, bullion, jewellery or other valuable article or thing, or
(ii) any entry in the books of accounts or other documents or transactions

found in the course of search u/s 132 of the Act and was not recorded in the books of accounts or other documents or transactions maintained in the normal course relating to such previous year.

The second clause (ii) refers to income of the specified previous year represented, either wholly or partly, by an entry in respect of an expenses recorded in the books of accounts or other documents maintained in the normal course relating to the specified previous year which is found to be false and would not have been found to be so had the search not been conducted.

4.2 It is also submitted that in the first clause the undisclosed income is represented by an asset or an entry in the books of accounts or documents maintained for such previous year, whereas in the second clause the undisclosed income is represented by some false entry of expenses recorded in the books of accounts or documents of the Specified previous year. Thus in clause (i) and clause (ii) of Explanation (c) to section 271AAB two different words being "**previous year**" and "specified previous year" have been used. It is submitted that when different words or phrases are used at different places more particularly in the same section of the statute, it carries different interpretation and different meaning of the same. Different words or phrases used at different places in section 271AAB have been highlighted to explain the meaning of the two phrases used at two places.

4.3 The Appellant refers to the judgement of Hon'ble Andhra Pradesh High Court in the case of Madhucon Projects Ltd. vs. CCE for Settlement Commission [2016] 72 taxmann.com 71 (AP), which provides at para 50 that two different expressions in a statute must be construed to carry different meanings.
4.4 The relevance of the phrase "**in which search was conducted**" used in definition of "**specified previous year**" would be found from reading of clause (ii) of Explanation (c) below section 271AAB of the Act. There the words "**specified previous year**" has been used for the purposes of levy of penalty under section 271AAB of the Act. Thus if it is found that the assessee has made some claim of bogus expenditure in the books of accounts of the year in which search is conducted and/or in the books of accounts of the previous year for which the previous year has ended but the due date of furnishing the return of income has not expired and the assessee has not furnished the return of income, in those cases penalty could be levied in as much as the phrase "**specified previous year**" has been used in clause (ii) to Explanation (c) below section 271AAB of the Act.

4.5 On the other hand the words such previous year have been used in clause (i) of Explanation (c) to Section 271MB of the Act. The word "**previous year**" has been defined in section 3 of the Income Tax Act, 1961 as under:

> "3. For the purposes of this Act, "**previous year**" means the financial year immediately preceding the assessment year:
> Provided that, in the case of a business or profession newly set up, or a source of income newly coming into existence, in the said financial year, the previous year shall be the period beginning with the date of setting up of the business or profession or, as the case may be, the date on which the source of income newly comes into existence and ending with the said financial year."
>
> Thus "**Previous Year**" and "specified previous year" carry different meanings for two different situations as stated herein above. The words "previous year" has been used in clause (i) of Explanation (b) of Section 271AAB of the Act to mean the previous year which has ended before the date of search for which the return of income has not been furnished by the assessee and the due date of furnishing the return of income has not been expired. If the Statute intended to levy penalty under section 271AAB of the Act in respect of money, bullion, jewellery or other valuable article or thing or any entry in the books of accounts or other document recorded in the books of accounts in respect of the previous year in which search was conducted then in clause (i) of Explanation (b) of section 271MB the words "**specified previous year**" would have been used which words have been used in clause (ii) of Explanation (b) of section 271AAB of the Act."

*13. We have given our thoughtful consideration to rival contentions. It transpires from the case file first of all that the assessee's authorized signatory, Shri Narayaan Prasad Agarwala had made the impugned additional income disclosure to the ADIT(Inv) that the said income was in the nature of cash to the tune of ₹17 lac in relation to financial year 2012-13 corresponding to the impugned assessment year 2013-14. We reiterate that search in issue is dated 20.12.2012. The assessee's case admittedly does not come under the former definition of "**the specified previous year**" since the due date for filing return u/s. 139(1) of the Act for preceding assessment year 2012-13 had elapsed on 30.09.2012.The above cash sum; coming under the connotation of "any money" u/s.271AAB Explanation (c)(i); stood assessed in the impugned assessment year 2013-14. We observe in these facts and circumstances that the assessee's above extracted argument seeking to take advantage of the "specified previous year" definition vis-a-vis undisclosed income declared does not carry any substance.*

14. Lastly comes assessee's reliance of this tribunal co-ordinate bench's decision in Sanjay Dattatray Kakade vs. ACIT ***ITA No.932/Pun/2013****. Learned co-ordinate bench dealt with a search dated 11.02.2009 concluded on 03.04.2009 wherein the Assessing Officer had invoked sec. 271AAA for assessment year 2009-10. The Learned co-ordinate bench held in these facts and circumstances that "specified previous year" could not be taken to be assessment year 2009-10 as follows:-*

"2. Briefly stated, the facts of the case are that a search and seizure action u/s.132 of the Act was taken upon the assessee on 11-02-2009. Return was filed on 30.09.2010 declaring total income of Rs.26,21,24,080/-. The AO assessed the total income at Rs.28,20,70,090/-. Penalty of Rs.57,70,620/- was imposed u/s.271 AAA on the undisclosed income of Rs.5,77,06,205/-. The Id. CIT(A) dismissed the appeal of the assessee and also made an enhancement of penalty on a further income of Rs.2,07,46,005/-, on which the AO had chosen not to impose penalty under this section. Aggrieved thereby, the assessee is in appeal before the Tribunal.

3. We have heard the rival submissions and gone through the relevant material on record. The assessee raised certain grounds in the memorandum of appeal. Thereafter, certain additional grounds were filed and eventually modified additional grounds of appeal were filed, challenging the impugned order on certain legal issues as well as on merits.

4. We will first espouse the legal issues urged on behalf of the assessee in seriatim. The first legal issue taken up by the Id. AR is that the penalty u/s.271 AAA be deleted as the same can be imposed only in respect of 'specified previous year' and the assessment year 2009-10 under consideration, cannot be so construed. In his opinion, the assessment year 2008-09 was the correct 'specified previous year' in terms of Explanation (b)(i) to section 271AAA of the Act and further that sub-clause (ii) of the Explanation (b) was not attracted in the present case. This contention was strongly countered by the Id. DR.

5. It is seen from the assessment order that the search in this case was initiated on 11-02-2009. The Id. AR has invited our attention towards the last panchnama, a copy of which has been placed on page 19 onwards of the paper book, which is dated 03-04-2009. The dates of initiation and conclusion of search have not been denied on behalf of the Revenue. It is thus palpable that the search in this case commenced on 11-02-2009, which is prior to the closure of the financial year ending 31-03-2009 and completed on 03-04-2009, which is after the closure of the financial year ending 31-03-2009. The question which looms large before us is to determine '**specified previous year**' in terms of Expl. (b)(i) to section 271 AAA of the Act, which in the opinion of the Id. AR should be reckoned from the date of commencement of search, i.e. 11-02-2009, whereas the Revenue is contending that the same should be considered from 03-04-2009, being the date on which the search was concluded. In order to appreciate the rival contentions, it would be apt to note down the definitions contained in Explanation below sub-section (4) of section 271AAA, which read as under :-

"Explanation.-For the purposes of this section,-

(a) "**undisclosed income**" means-

(i) any income of the specified previous year represented, either wholly or partly, by any money, bullion, jewellery or other valuable article or thing or any entry in the books of account or other documents or transactions found in the course of a search under section 132, which has-

(A) not been recorded on or before the date of search in the books of account or other documents maintained in the normal course relating to such previous year; or

(B) otherwise not been disclosed to the Chief Commissioner or Commissioner before the date of search; or

(ii) any income of the specified previous year represented, either wholly or partly, by any entry in respect of an expense recorded in the books of account or other documents maintained in the normal course relating to the specified previous year which is found to be false and would not have been found to be so had the search not been conducted;

(b) "**specified previous year**" means the previous year-

(i) which has ended before the date of search, but the date of filing the return of income under sub-section (1) of section 139 for such year has not expired before the date of search and the assessee has not furnished the return of income for the previous year before the said date; or

(ii) in which search was conducted.]"

(some parts italicized by us)

6. Sub-section (1) of section 271 AAA provides that penalty shall be computed @ 10% of the undisclosed income of the '**specified previous year**' where search is initiated after 01-06-2007 but before 01-07-2012. Sub-section (3) of section 271 AAA provides that in case penalty is imposed under sub-section (1), then the provisions of section 271(1)(c) shall not apply in respect of such undisclosed income. When we consider the provisions of section 271(1)(c) in juxtaposition to section 271AAA, it is manifested that in case of a search, penalty is imposed u/s.271AAA on the undisclosed income of the '**specified previous year**' and penalty u/s.271(1)(c) is imposed with reference to other years covered under search assessments. Search in the extant case was conducted in the year 2009, which undoubtedly falls within the period stipulated in sub-section (1) of section 271 AAA. In such a scenario, penalty is liable to be imposed on undisclosed income of the 'specified previous year' u/s 271 AAA alone.

The AO has treated assessment year 2009-10 as the 'specified previous year' and imposed the instant penalty.

7. Now the question arises about the determination of the 'specified previous year' as per sub-clause (i) of the Explanation (b) to section 271AAA, which provides that a 'specified previous year' means a 'previous year' which has ended before the date of search, but the date of filing the return of income u/s.139(l) for such year has not expired before the date of search and the assessee has not furnished his return of income for that previous year before the said date. The controversy in this regard is to find out the meaning of the terms '**date of search** '. Whereas the case of the assessee is that the expression '**date of search**' as employed in Expl. (b) (i) means the date of initiation or commencement of search, the Revenue has canvassed a view that it refers to the date of conclusion or completion of search. If we consider the date of initiation as the date of search, which in the instant case is 11-02-2009, then the '**specified previous year**' would be the previous year which ended on 31-03-2008 and the relevant assessment year would be 2008-09 and if we go with the Revenue and take the date of conclusion of search as the date of search, which is 3.4.2009, then the '**specified previous year**" would be the previous year which ended on 31-03-2009 and the relevant assessment year would be 2009-10.

8. Normally, there are three stages in case of a search. First is the initiation of process of search; second is the initiation of search; and third is conclusion of search. Section 132(1) of the Act provides that where Principal Director General etc., in consequence of the information in his possession, has reason to believe the existence of one of the three conditions, such as, any person is in possession money, bullion, jewellery or other valuable article of thing etc. and such money, bullion, jewellery etc., represents either wholly or partly income which has not been or would not be disclosed, then he may authorize any Additional Director etc., being the authorized officer, to enter and search any building, place, vessel etc., where he has reason to suspect that such undisclosed money, bullion, jewellery or other valuable article or things are kept.

This is the stage of authorization of search by the Principal Director General etc., which is the first stage in our discussion, being, the initiation of process of search. Pursuant to such first stage, that is, authorization of search action by the Principal Director General etc., the authorized officer physically enters the building etc. and carries out the actual search. This is the second stage in our discussion, which is initiation of search. When the entire search is concluded by the authorized officer and a final panchnama is drawn, then we enter the third stage, that is, the search is concluded.

9. The legislature has used the word '**search**' preceded by the words '**initiation of**' or '**conclusion of'** at different places to clearly convey that it is referring to the date of initiation of search or the conclusion of search, as the case may be. For example, section 153A dealing with assessment in case of search or requisition specifically uses the expression 'initiation of search' in second proviso to sub-section (1). Similarly, section 153C dealing with the assessment of income of any other person uses the expression '**initiation of search**' in first proviso to sub-section (1). On the contrary, section 153B(2) provides that the authorization shall be deemed to have been executed in the case of search, on the 'conclusion of search' as recorded in the last panchnama. Section 158BE setting out time limit for completion of block assessment also provides under sub-section (2) that the authorization shall be deemed to have been executed in the case of search on the '**conclusion of search**'. Thus, it is overt that the Parliament has recognized the expression 'initiation of search' as distinct from '**conclusion of search**' and used such expressions at the appropriate places as deemed necessary.

10. Reverting to the Explanation to clause (b)(i) to section 271AAA, we find that the legislature has simply used the expression '**date of search**' and the same is not qualified by the words 'initiation of' or '**conclusion of**'. The 'specified previous year' in the extant case varies with pre-fixing of the words '**initiation of**' or '**conclusion of**' to the word '**search**' as used in the provision. the Whereas the assessee is battling for pre-fixing the words 'initiation of' before the word '**search**' in the provision, the Revenue is strongly pitching for using the words '**conclusion of**'. In the absence of any express usage of the appropriate pre-fix to the word 'search' in the language of the Explanation (b)(i) to section 271AAA of the Act, we need to discover the same on a harmonious reading of the provision in entirety. When so understood and on taking a holistic view of the mater, it turns out that the legislature intended to mean the 'date of search' in sub-clause (i) of clause (b) of the

Explanation to section 271AAA as the '**date of initiation of search**' . We fortify our view by simultaneously reading clauses (a) and (b) of the Explanation to section 271AAA defining '**undisclosed income**' and '**specified previous year**'. Firstly, it is pertinent to note that similar expression, namely, '**before the date of search**' has been used in both the clauses, viz., (a) and (b)(i) of the Explanation. We have set out supra the definition of '**undisclosed income'** in the Explanation (a) in two sub-clauses (i) and (ii), dealing with broader categories of any income represented by unexplained assets etc. and any income represented by false expenses. We are restricting ourselves to sub-clause (i), which defines 'undisclosed income' to mean any income represented by any money, bullion, jewellery etc. found in the course of a search which has: (A) not been recorded on or before the date of search in the books of account or other documents maintained in the normal course relating to such previous year; or (B) otherwise not been disclosed to the Chief Commissioner or Commissioner before the date of search'. The expression 'before the date of search, in Explanation (b)(i) has also been used without any pre-fix of 'initiation of' or 'conclusion of' .

> On an analysis of the expression '**before the date of search**' in the definition of '**undisclosed income**', it amply transpires that it refers to the date of '**initiation of the search**'. Our reasoning is that part (A) in clause (i) of the Explanation (a) refers to the undisclosed income etc. which has not been recorded in the books of account before the date of search. It necessarily has to be an income which is not found to be recorded at the time of initiation of search and it cannot be an income which is not found to be recorded at the time of conclusion of search. Once an item of income not recorded is found at the time of initiation of search, it will remain undisclosed even if the assessee during the course of search records it in its books of account. If we interpret it as referring to the date of conclusion of search, then anyone can easily go scot free by recording in his books of account the undisclosed income found during the course of search, before the conclusion, thereby making it as disclosed income, which proposition is patently incorrect. Once an item of income is found, which is not recorded in the books of account up to the date of initiation of search, the same has to be obviously characterized as undisclosed income. Similar position follows by reading part (B) in clause (i) of the Explanation (a), which also refers to the undisclosed item of income which has otherwise been not disclosed to the Principal Cf. CIT etc. '**before the date of search**'. Here again, if we construe the '**date of search**' as the date of conclusion of search, it would mean that any undisclosed income found during the course of search would become a disclosed income, if the assessee discloses it to the competent authority at any time during the continuation of search. Thus, if any income by way of certain money, bullion, jewellery etc. is found during the course of search which has not been recorded in the books of account, the assessee cannot escape the clutches of section 271AAA simply by recording or disclosing the same after the initiation but before the conclusion of search. Obviously, this cannot be the intention of the legislature to construe the expression '**date of search**' given in clause (a) of the Explanation to mean the '**date of conclusion of search**'. It has to be the 'date of initiation of search' so that any income represented by any money, bullion, jewellery etc. found in the course of search but not recorded in the books is considered as '**undisclosed income**'. Thus it becomes crystal clear that the expression '**before the date of search**' used in clause (a) of the Explanation refers to the '**date of search**' as the date of '**initiation of search**' and not the date of '**conclusion of search**'. As the same expression of '**before the date of search**' has been used in the definition of '**specified previous year**', we hold that on a tuneful reading of clauses (a) and (b) of the Explanation to section 271AAA, the '**date of search**' in the Explanation (b) is also the '**date of initiation of search** and not the '**date of initiation of search**' as the '**date of search**', the '**specified previous year**' in terms of sub-clause (i) of clause (b) of Explanation to section 271AAA becomes the year ending 31-03-2008, being, the previous year which ended before the date of search on 11-02-2009. Going by this interpretation of the provision, the A.Y. 2009-10 cannot be considered as the 'specified previous year'. The contention of the assessee is, ergo, upheld."

15. We have given our thoughtful consideration to assessee's above last argument. It emerges from the learned co-ordinate bench's decision that the said assessee had made out a case of non-applicability of assessment year 2009-10 in a search conducted on 11.02.2009 whereas the instant taxpayer's case makes it clear that "specified previous year" in its case u/s. 271AAB Explanation (b)(ii) squarely applies in given facts and circumstances of the case. We wish to repeat here at the cost of brevity that impugned search is dated 20.12.2012. The assessee's last date of filing return u/s 139(1) was upto on 30.09.2012. The 'specified previous year" therefore has been rightly taken in the instant case to be financial year 2012-13 under the above statutory provision. We conclude in these facts that CIT(A) has rightly sustained the impugned penalty of ₹17 lac qua the impugned cash sum declared during the course of search as undisclosed income under Explanation (c) of the Act. The second

assessee's instant Cross Objection 97/Kol/2017 challenging correctness of CIT(A)'s action sustaining penalty of ₹17 lac fails therefore."

9. Coming to Revenue's case law, we find that the same has been adequately discussed in tribunal's above extracted decision. We notice that most of the judicial precedents quoted at the Revenue's behest do not pertain to Sec. 271AAB proceedings. We therefore adopt learned co-ordinate bench's decision in AKA Logistics Pvt. Ltd. & Ors. (supra) *mutatis mutandis* to confirm the CIT(A)'s findings forming subject-matter challenge in Revenue's lead appeal ITA No.232/Kol/2017.

10. Coming to assessee's cross-objections seeking to delete impugned penalty in enterity, Mr. Tibrewal vehemently contends during the course of hearing that the Assessing Officer's penalty show-cause notice nowhere specified the limb in issue pertaining to undisclosed income component as to whether the same related to income or expenditure side. We find no merit in assessee's instant technical plea going by learned co-ordinate bench's decision hereinabove relying upon hon'ble apex court's decision in cases *Sandeep Chandak vs. PCIT* (2018) 93 taxman.com 406 (SC) (supra). We therefore decline assessee's cross-objection CO No.37/Kol/2017 as well.

10. Same order to follow in Revenue's remaining appeal(s) as well as assessee's cross-objection(s) herein since it has come on record that the same seek to revive and delete the Assessing Officer's penal action in entirety. The CIT(A) holds in all these cases that the impugned penalt(ies) has to be confirmed to the extent it is based on seized corroborative material during the course of search. We therefore uphold the CIT(A)'s findings under challenge in all remaining case as well.

10. These Revenue's appeal(s) and assessees as many cross-objection(s) are dismissed. Ordered accordingly.

Order pronounced in open court on 24/04/2019

Sd/-	Sd/-
(लेखा सदस्य)	(न्यायिक सदस्य)
(J.Sudhakar Reddy)	(S.S.Godara)
Accountant Member	Judicial Member

*Dkp-Sr.PS
दिनांकः- 24/04/2019 कोलकाता / Kolkata

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. आवेदक /Assessee-Shri Sidhant Gupta, X-12, 2nd Fl, Hauz Khas, New Delhi-110016/ Shri Sanjay Dhingra, H. No.14, Rd. No.8 Punjab Bagh East New Delhi-110026/Dilip Kr. Modi, 243BG, Block-J, New Alipore, Kolakata-53/Kamlesh Agarwal, 547, Block N, New Alipore, Kolkata-53/Niranjan Lal Agarwal, P-547, N.Block, New Alipore, Kolkat-53/Shri Murarilal Agawal, P-547 Block-N New Alipore, Kolkta-53
2. राजस्व /Revenue-ACIT, CC-2(3), R. No.403, 4th Floor, Aayakar Bhawan, Poorva, 110, Shanti Pally; E.M. Bye-pass, Kolkata-107
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता/DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

By order/आदेश से,

/True Copy/

सहायक पंजीकार
आयकर अपीलीय अधिकरण, **कोलकाता** ।