

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH, 'SMC', CHANDIGARH

श्री संजय गर्ग, न्यायिक सदस्य
BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER

आयकर अपील सं./ ITA No. 1597/CHD/2018

निर्धारण वर्ष / Assessment Year : 2010-11

Shri Nirmal Singh, S/o Tara Chand, House No. 64, Street No. 3, Village Mehmadpur Jattan, Near Hira Colony (Bahadurgarh) Distt. Patiala	Vs. बनाम	The ITO, Ward-6, Patiala
स्थायी लेखा सं./PAN NO: ACYPS3228G		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

निर्धारिती की ओर से/Assessee by : Shri N.K. Saini, ITP

राजस्व की ओर से/ Revenue by : Sh. Madit Srivastava, Sr.DR

सुनवाई की तारीख/Date of Hearing : 10.06.2019

उद्घोषणा की तारीख/Date of Pronouncement : 10.06.2019

आदेश/Order

The present appeal has been preferred by the assessee against the order dated 30.10.2018 of the Commissioner of Income Tax (Appeals), Patiala [hereinafter referred to as 'CIT(A)'].

2. The sole dispute raised in this appeal relates to the addition of Rs. 18.43 lacs made by the Assessing Officer on account of unexplained cash deposits which was found deposited in the account of the assessee. The Assessing Officer treated the said deposit as 'unexplained income' of the assessee.

3. In appeal before the CIT(A), it was explained that, in fact, the said amount was deposited by the assessee in his account after receiving the same from one Shri Rajinder Singh. The assessee further explained that, in fact, the assessee intended to send his son to Australia on study Visa, for which the assessee had to show his creditworthiness for which the temporary deposits were made in the bank account after arranging the same from Shri Rajinder Singh, who is a private financier. The assessee took the help of Shri Munish Kumar and Vinod Kumar who introduced the assessee to Shri Rajidner Singh. The assessee in this respect filed the factual evidence in the shape of affidavits of the concerned persons and also bank account statements of Shri Rajinder Singh to prove the withdrawals of the said amount from his account which was further deposited in the assessee's account. The Ld. CIT(A) called for the remand report from the Assessing Officer in this respect, Shri Rajinder Singh appeared before the Assessing Officer and confirmed that he had given the aforesaid amount to the assessee after withdrawing the same from his bank account which was further deposited by the assessee in his saving account. He also confirmed that he was introduced to the assessee by Shri Munish Kumar and Shri Viond Kumar. The Ld. CIT(A), however, confirmed the additions made by the Assessing Officer on the ground that one of the middleman Shri Vinod Kumar did not accept the summons and even told the concerned Inspector, who had gone there to deliver the summons, that he had nothing to do with the aforesaid transaction.

4. I have heard the rival contentions and have also gone through the record. In this case, the concerned person namely Shri Rajinder Singh has personally appeared and confirmed that he had paid the amount of Rs. 18.43 lacs to the assessee. He has also confirmed / proved the aforesaid fact by producing the bank account statement. Further, the amount was paid back to him by the assessee after withdrawing the same from his bank account after a short span of time. The assessee has also explained the reasons for getting the said short term loan which seems to be plausible. Merely because Shri Vinod Kumar has not turned up, may be because of his own certain apprehensions, however, the assessee, in my view, has been able to prove the source of deposits as well as reason for the deposits and under the circumstances it does not appear to be the unaccounted income of the assessee.

In view of this, I do not find any justification on the part of the lower authorities in making the impugned addition and the same is accordingly ordered to be deleted.

In the result, the appeal of the assessee is treated as allowed.

Order dictated and pronounced in the Open Court immediately on completion of hearing

Sd/-

(संजय गर्ग / SANJAY GARG)
न्यायिक सदस्य/ Judicial Member

Dated : 10.06.2019

“आर.के.”

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

आदेशानुसार/ By order,
सहायक पंजीकार/ Assistant Registrar