

IN THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH : BANGALORE

BEFORE SHRI B.R BASKARAN, ACCOUNTANT MEMBER AND
SMT. BEENA PILLAI, JUDICIAL MEMBER

ITA No.1636/Bang/2018
Assessment year : 2014-15

Shri Shiny Prabhakar, 78, Srikrupa, 5 th Main Road, AGS Colony, Anadnagar, Hebbal, Bengaluru-560 024. PAN – AMCPS 0804 G.	Vs.	The Income-tax Officer, Ward-6(3)(1), Bengaluru.
APPELLANT		RESPONDENT

Appellant by	:	Shri V Srinivasan, Advocate
Respondent by	:	Shri R.N Siddappaji, Addl. CIT

Date of hearing	:	09.07.2019
Date of Pronouncement	:	09.07.2019

ORDER

Per B.R Baskaran, Accountant Member

The appeal filed by the assessee is directed against the order dated 27/2/2018 passed by Id CIT(A)-6, Bangalore and it relates to asst. year 2014-15.

2. The assessee is aggrieved by the decision of Id CIT(A) in confirming the addition of Rs.57.11 lakhs made by the AO.

3. We heard the parties and perused the record. The assessee is an individual and she filed return of income declaring a total

income of Rs.3.01 lakhs. The AO received information that the assessee has made huge deposits in a cooperative bank. Accordingly he selected the return filed by the assessee for scrutiny. Since the assessee did not respond to the notices issued by him and did not offer explanations, the AO added aggregate amount of deposits of Rs.57.11 lakhs to the total income of the assessee. Before the Id CIT(A) the assessee submitted that she is maintaining a bank account with SVC Cooperative Bank Ltd., wherein she did not make deposits to the tune of Rs.57.11 lakhs as claimed by the AO. She submitted that the assessee having fixed deposits to the tune of Rs.9.75 lakhs only. She also furnished copy of bank account maintained with SVC Cooperative Bank Ltd. The Id CIT(A) took the view that the assessee should have explained as to whom the deposits belonged to. Hence, in the absence of explanations, the Id CIT(A) confirmed the order passed by Id CIT(A).

4. The Id AR invited our attention to copy of bank account furnished in page 4 of the paper book and submitted that the assessee has made deposits of smaller amounts on various dates in SVC Cooperative bank. The aggregate amounts does not result in a figure of Rs.57.11 lakhs mentioned by the AO. He submitted that the assessee does not maintain any other account and hence she is not aware about the deposits of Rs.57.11 lakhs mentioned by the AO.

5. On the contrary, the Id DR submitted that the assessee has submitted a copy of bank account maintained with SVC cooperative bank Ltd. From the asst. order, it is not clear as to whether the AO

is referring to the very same bank account furnished by the assessee or some other bank account. Accordingly he submitted that the matter may be restored to the file of AO for examining the issue afresh.

6. Having heard the rival contentions, we are of the view that this issue needs to be restored to the file of the AO, as the assessee claims to be not aware of deposits of Rs.56.11 lakhs mentioned by the AO and further the bank account furnished by assessee does not show such kind of deposits. Accordingly we set aside the order passed by the CIT(A) on this issue and restore the same to the file of the AO for examining it afresh. The AO is directed to furnish the details of Rs.56.11 lakhs mentioned in the asst. order to the assessee so that assessee can offer her explanations. After affording adequate opportunity of being heard to the assessee, the AO may take appropriate decision in accordance with law.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the Open Court on **9th July, 2019**.

Sd/-
(Beena Pillai)
Judicial Member

Sd/-
(B.R Baskaran)
Accountant Member

Bangalore,
Dated, 9th July, 2019.

/vms /

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore.

1. Date of Dictation
2. Date on which the typed draft is placed before the dictating Member
3. Date on which the approved draft comes to Sr.P.S
4. Date on which the fair order is placed before the dictating Member
5. Date on which the fair order comes back to the Sr. P.S.
6. Date of uploading the order on website.....
7. If not uploaded, furnish the reason for doing so
8. Date on which the file goes to the Bench Clerk
- Date on which order goes for Xerox & endorsement.....
10. Date on which the file goes to the Head Clerk
11. The date on which the file goes to the Assistant Registrar for signature on the order
12. The date on which the file goes to dispatch section for dispatch of the Tribunal Order
13. Date of Despatch of Order.