

**IN THE INCOME TAX APPELLATE TRIBUNAL
VISAKHAPATNAM BENCH, VISAKHAPATNAM**

**BEFORE SHRI V. DURGA RAO, HON'BLE JUDICIAL MEMBER &
SHRI D.S. SUNDER SINGH, HON'BLE ACCOUNTANT MEMBER**

**ITA No. 351/VIZ/2018
(Asst. Year : 2012-13)**

Seera Srinivasa Rao,
Prop. Venkata Ramana
Agencies, D.No. 32-11-18,
Near Urvasi Theatre,
Rajahmundry.

vs. ITO, Ward-1(1),
Rajahmundry.

PAN No. AIVPS 7607 J
(Appellant)

(Respondent)

Assessee by : Shri C. Subrahmanyam, FCA.
Department By : Shri P.Srinivasa Murthy, Sr.DR

Date of hearing : 17/07/2019.
Date of pronouncement: 19/07/2019.

ORDER

PER V. DURGA RAO, JUDICIAL MEMBER

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals), Rajamahendravaram, dated 20/04/2018 for the Assessment Year 2012-13.

2. The only effective ground raised in this appeal relates to the addition in respect of Rs.3,19,911/-. In the assessment order, the Assessing Officer has noted that the assessee had not disclosed TDS receipts of Rs. 3,19,911/- in the books of account, Therefore, the Assessing Officer treated the same as concealed income.

Accordingly, the same is added to the total income of the assessee.

3. On appeal, Id. CIT(A) confirmed the order of the Assessing Officer.

4. Ld.AR has relied on the grounds of appeal, whereas Id.DR strongly supported the orders of the authorities below.

5. We have heard both the parties, perused the material available on record and gone through orders of the authorities below.

6. We find that the assessee has not given any explanation in respect of addition proposed by the Assessing Officer amounting to Rs. 3,19,911/-. Even before the Id. CIT(A), assessee has not offered any satisfactory explanation. Even before us, assessee has not given any explanation in respect of the addition made by the Assessing Officer. We find that the Id. CIT(A) has considered the issue in detail in his order at para Nos. 7 & 8, which is as under:-

"7. I have carefully considered the submissions of the appellant's AR, as well as the order of the Assessing Officer. The only issue involved in this case is decided based on the arguments made by the AR and the material available on record. It is perceived that during the course of scrutiny proceedings, the assessee/appellant has not provided the required information before the A.O while completing the assessment with regard to the 'TDS made by the cement supplying companies on interest on deposits payable by them' and other relevant information such as account copies of Interest A/c & details of interest received or paid etc. It is pertinent to mention here that the appellant or his

A.R has not taken up this plea of 'TDS claimed by the appellant is already included in the interest account' before the A.O. Further, in the assessment order, the P.O clearly mentioned that 'The AR of the assessee was asked to explain as to why the interest amount of Rs.3,19,911/- should not be treated as his income during the A.Y:2012-13. Moreover, the A.R of the assessee said he has not objected to treat the said interest amount as income.'

7.1 In view the foregoing, it appear that the Assessing Officer's decision was justifiable - in the absence of or non-submission of any exact details of interest account and further, not raising any objection during the course of assessment proceedings by the appellant or A.R, for the addition made on account of TDS. Since it is the failure of the appellant in furnishing/narrating the necessary details and not objecting the addition made, therefore, the assessment completed by the A.O is sustained. It looks weird why the appellant could not explain or give the details of the interest income once he is maintaining books of accounts. Further, the Assessing Officer, has rightly rejected or not taken any action against the rectification petition filed U/s.154 of the Act, since it was an agreed addition and the book results of the appellant could not be accepted by the A.O.

8. Since the appeal filed by the appellant is a agreed addition which is apparent from the assessment order, therefore, the contention raised by the appellant is not considered. Therefore, the appeal grounds raised by the appellant in this context is dismissed."

7. In absence of satisfactory explanation, we find no reason to interfere with the order passed by the Id. CIT(A). Thus, this appeal filed by the assessee is dismissed.

8. In the result, appeal filed by the assessee is dismissed.

Order Pronounced in open Court on this 19th day of July, 2019.

Sd/-
(D.S. SUNDER SINGH)
Accountant Member

sd/-
(V. DURGA RAO)
Judicial Member

Dated: 19th July, 2019.

vr/-

Copy to:

1. *The Assessee - Seera Srinivasa Rao, Prop. Venkata Ramana Agencies, D.No. 32-11-18, Near Urvasi Theatre, Rajahmundry.*
2. *The Revenue - ITO, Ward-1(1), Rajahmundry.*
3. *The Pr.CIT, Rajamahendravaram.*
4. *The CIT(A), Rajamahendravaram.*
5. *The D.R., Visakhapatnam.*
6. *Guard file.*

By order

(VUKKEM RAMBABU)
Sr. Private Secretary,
ITAT, Visakhapatnam.