

the Assessee before CIT(A) that in the hearing before the AO on 21.3.2016, the Assessee sought time to furnish the details but the AO proceeded to frame an assessment to the best of his judgment. The Assessee pointed out before CIT(A) that the loan confirmations from lenders were filed before the AO on 24.03.2016 but the AO completed assessment u/s.144 of the Act on 22.3.2016. The Assessee pleaded before CIT(A) that the loans taken by the assessee are genuine. These loans received by the assessee are through banking channels. The amount of Rs 250,00,000/- from ATNT Infrastructure Services Pvt Ltd was received on 13.10.2012. the amount was received as an advance under an agreement to sell 29 buses. The amount of loan of Rs 150,00,000/- from Bhramaputra Power Pvt Ltd was received on 12.04.2012 (Rs 100,00,000) and 14.07.2012 (Rs 50,00,000). The amount of loan shown from Mr Sathi Prabhakar was originally due to Dr Abraham Abenezar by the assessee. In a tripartite understanding during September 2012, the assessee received an instruction from Dr Abraham Ebenezer that the loan amount payable to him by the assessee to the extent of Rs 100,00,000 should be transferred in the name of Mr Sathi Prabhakar. The accounting entries giving effect to the said understanding has been passed in the books of accounts of the assessee on 05.09.2012 and 09.09.2012. The amount of loan from Shyam Group of Rs 3,45,000 has been added as income in the impugned order. The amount of Rs 3,45,000/- payable to 'Shyam Group' shown [under the head 'unsecured loan in the financial statements] represents the net figure from the following three parties belonging to the said group:

Prakash L	Rs 2,50,000/- Dr
Ram Balram Enterprises	Rs 1,80,000/- Dr

Shym Group

Rs 7,75,000/- CrRs 3,45,000/- Cr

18. The loans from all the above three Parties were received during the year under consideration. Loan from Shym group was received by way of journal entry on 17.07.2012. The amount payable to Dr Abraham Ebenezer was transferred to Shym Group on his instructions. The balance of Rs 3,45,000/- has been arrived at after adjusting payment receivable by the assessee from Prakash L [Rs 2,50,000] and Ram Balram Enterprises [Rs 1,80,000] which belong to the same group. The assessee had made payments to Prakash L and Ram Balram Enterprises during the year under consideration.

19. Before CIT(A), the Assessee sought to file the following documents as additional evidence with an application under Rule 46A of the IT Rules to substantiate the genuineness of all the above loans:

Lender	Additional evidences being furnished under Rule 46A of the IT Rules
ATNT Infrastructure Services Pvt Ltd	<ul style="list-style-type: none"> <li data-bbox="715 1319 1347 1473">(i) A copy of agreement under which Rs 250,00,000/- was paid by ATNT Infrastructure Pvt Ltd to the assessee as an advance towards purchase of buses. <li data-bbox="699 1512 1347 1666">(ii) A copy of bank statement of Vijaya Bank, Residency Road Bangalore (A/c indicating receipt of loan by RTGS on 13.10.2012 <li data-bbox="699 1704 1347 1814">(iii) Documents relating to arbitration proceedings initiated by ATNT for recovery of advance paid. <li data-bbox="699 1852 1002 1890">(iv) Ledger account