

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A", HYDERABAD

BEFORE SMT. P. MADHAVI DEVI, JUDICIAL MEMBER
AND
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER

ITA No.629/Hyd/2016		
Assessment Year: 2007-08		
M/s. Sentini Bioproducts Pvt Ltd., Sentini House, Plot No.1229, Road No.60, Jubilee Hills, Hyderabad-34 PAN: AAJCS 0609 P	Vs.	DCIT, Central Circle-II(3), Hyderabad.
(Appellant)		(Respondent)
Assessee by:	None	
Revenue by:	Sri Mookambikeyan S - DR	
Date of hearing:	23/09/2019	
Date of pronouncement:	23/09/2019	

ORDER

PER A. MOHAN ALANKAMONY, AM.:

This appeal is filed by the assessee against the order of the Ld. CIT(A)-12, Hyderabad in appeal No. 0288/2014-15, dated 25/02/2016 passed U/s. 143(3) r.w.s 153A & 250(6) of the Act for the Asst. Year 2007-08.

2. The assessee has raised the following grounds of appeal:-

- “1. *The proceedings of the authorities below are arbitrary, contrary to law, against weight of evidence and probabilities of the appellant’s case.*
2. *The Ld. CIT(A) ought to have considered all the contentions of the appellant raised in the grounds of appeal and in the written submissions filed by the appellant.*

3. *The CIT(A) erred in confirming the assessment proceedings with regard to addition made to the total income U/s. 69-B of the IT Act by the A.O. without considering the explanation dated 26/11/2014 of the appellant in the facts and circumstances of the case.*
4. *The A.O. erred in observing in the assessment order that the original agreements were not available and only photostat copies of the agreement were available. The said alleged photostat copies of the agreements cannot be treated as an evidence in terminating the income. The A.O. without considering the explanation, confirmed the proposed amount of Rs. 64,36,520/- by adding the same to the total income U/s. 69B of the Act.*
5. *The CIT(A) erred in distinguishing the decisions relied upon by the appellant reported in 216 ITR 301 (AP) 46 Taxmann 372 (Delhi) and judgment of this Hon'ble Tribunal in ITA No. 1755 to 1757/Hyd/2012, dated 23/04/2014.*
6. *The CIT (A) failed to consider the written submissions, dated 22/05/2015 filed by the appellant before the predecessor CIT. The appellant craves leave of the Hon'ble Tribunal to kindly read the same as part of these grounds of appeal.*
7. *The CIT(A) erred in holding that the A.O. denied the allegation of appellant-company that they were not provided with original agreement, stating that original agreements were not available. Concluding that it is a common practice in real estate that unofficial agreement is entered, taking the actual consideration, which will be registered later on the government value, the A.O. completed the assessment by bringing the differential amount of Rs. 64,99,520/- to tax on the said four transactions as unexplained investments.*
8. *The CIT(A) erred in dismissing the appeal holding that in the context of the information brought on record, through the findings of search, it may be reasonable to observe that though it is a fact that the original agreements of sale deeds, dated 13/03/2006 were not available, they are the unregistered agreements for sale signed by both the prospective vendor and vendee, which is not denied by the appellant.*
9. *The CIT(A) erred in not considering the section 65 of the Indian Evidence Act, where the A.O. added Rs. 64,36,520/- to the total income under section 69B of the Act.*
10. *The appellant reserves its right to raise additional grounds, if any, at the time of hearing of appeal and the Hon'ble Tribunal may be pleased to allow the appellant to raise the same in the interest of justice and equity.*
11. *For the grounds mentioned above, it is prayed that the Hon'ble Tribunal may be pleased to set aside orders of the authorities below and allow the appeal and pass order or orders, as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case."*

3. At the outset, we observed from the order sheet entries that the case was adjourned on many occasions for various reasons at the request of the Learned Counsel for the Assessee. Even in the last

occasion i.e., on 08/07/2019 the case was adjourned to 23/09/2019 at the request of the assessee and the same was informed to both the parties in the open court. However, on the date of hearing i.e., on 23/09/2019 none appeared on behalf of the assessee before the Bench which shows the lackadaisical approach of the assessee in pursuing its appeal. Moreover, we find that the Ld. CIT (A) has passed a detailed order dismissing the appeal of the assessee. Since the assessee has not confronted with the reasons adduced by the Revenue for making the addition and sustaining the same, we do not have any other option but to confirm the order of the Ld. Revenue Authorities. Hence, we hereby uphold the order of the Ld. CIT (A).

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

Pronounced in the open Court on 23rd September, 2019.

Sd/-
(P. MADHAVI DEVI)
JUDICIAL MEMBER

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated:23rd September, 2019

OKK

Copy to:-

- 1) M/s. Sentini Bioproducts Pvt Ltd C/o. M/s. Shaik Jeelani Basha, P. Vasudeva Reddy, Shaik Altaf and M. Suprabhat Reddy, Advocates, H.No.6-3-609/79, Anandnagar Colony, Khairtabad, Hyderabad - 04.
- 2) DCIT, Central Circle-II(3),Hyderabad.
- 3) The CIT(A)-XII, Hyderabad
- 4) The Pr. CIT-XII, Hyderabad
- 5) The DR, ITAT, Hyderabad
- 6) Guard File