

**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**

**S.A.No. 62/VIZ/2019**

**And**

**ITA No. 564/VIZ/2019  
(Asst. Year : 2016-17)**

Manchukonda Vamsi Krishna, vs. ACIT, Central Circle-1,  
Flat No.104, 'B' Block, Visakhapatnam.  
Majestic Tower, Near Kali  
Matha Temple, Beach Road,  
Visakhapatnam.

PAN No. ADVPV 4882 H  
(Appellant)

(Respondent)

Assessee by : Shri G.V.N. Hari – Advocate.  
Department By : Shri T.S.N. Murthy – Sr.DR  
Smt. Suman Malik – Sr.DR

Date of hearing : 18/11/2019.  
Date of pronouncement : 22/11/2019.

**ORDER**

**PER V. DURGA RAO, JUDICIAL MEMBER**

By filing this stay application, assessee seeks stay on the outstanding demand of Rs. 11,34,536/-. The assessee also filed this appeal against the order of Commissioner of Income Tax (Appeals)-3, Visakhapatnam, dated 14/07/2019 for the A.Y. 2016-17.

**2.** Ground Nos. 1 & 4 are general in nature, no adjudication is required, therefore same are dismissed. Ground No.3 is consequential in nature, no separate adjudication is required, therefore same is dismissed. The only ground for adjudication before us is ground No.2, which is as follows:-

2.	The Id. CIT(A) is not justified in partly sustaining the addition of Rs. 39,14,378/- made by the Assessing Officer towards alleged undisclosed investment in gold ornaments and silver articles.	Rs. 12,09,543/-
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**3.** In the assessment order, the Assessing Officer has noted that during the course of survey, gold jewellery worth Rs.39,14,378/- was found and treated as unexplained money u/sec. 69A of the Act and added back to the income returned.

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

**5.** Aggrieved by the order of the Id. CIT(A), the assessee is in appeal before this Tribunal.

**6.** Before us, Id. counsel for the assessee has submitted that during the course of search, 1489.250 grams of gold jewellery was found and submitted that the assessee family consisting of mother, father, wife, son and one daughter. According to the

assessee, wife & mother should be given 500 grams each, father should be given 100 grams, son should be given 100 grams, daughter should be given 250 grams and assessee should be given 100 grams, totalling to 1550 grams. As the assessee is not having more than the gold ornaments as provided in CBDT Instruction No. 1916, dated 11.05.1994, the addition cannot be survived.

**7.** Ld.DR strongly supported the orders of the authorities below.

**8.** We have heard both the sides and perused the material available on record. We find that as per CBDT Instruction No. 1916, dated 11.05.1994 and taking into consideration of the strength of the family, weightage should be given to the assessee. In this case total jewellery of 1489.250 grams was seized and weightage as per family members comes to 1550 grams. Therefore, entire addition has to be deleted, accordingly deleted. Thus, this appeal filed by the assessee is allowed.

**9.** So far as Stay Application filed by the assessee is concerned, as we have disposed of the assessee's appeal (supra), the stay application filed by the assessee has become infructuous and is dismissed accordingly.

**10.** In the result, appeal filed by the assessee is partly allowed and the S.A. is dismissed.

Order Pronounced in open Court on this 22<sup>nd</sup> day of Nov., 2019.

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

sd/-  
**(V. DURGA RAO)**  
**Judicial Member**

**Dated: 22<sup>nd</sup> November, 2019.**

**vr/-**

*Copy to:*

1. *The Assessee - Manchukonda Vamsi Krishna, Flat No.104, 'B' Block, Majestic Tower, Near Kali Matha Temple, Beach Road, Visakhapatnam.*
2. *The Revenue - ACIT, Central Circle-1, Visakhapatnam.*
3. *The Pr.CIT (Central), Visakhapatnam.*
4. *The CIT(A)-3, Visakhapatnam.*
5. *The D.R., Visakhapatnam.*
6. *Guard file.*

By order

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