



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

**BEFORE SHRI. A. D. JAIN, VICE PRESIDENT
AND SHRI T. S. KAPOOR, ACCOUNTANT MEMBER**

ITA No.312/ALLD/2017
Assessment Year: 2011-12

Shiv Mani Tripathi 568, Bagambari Gaddi Allahpur, Allahabad	v.	Income Tax Officer Ward III(4) Mirzapur
TAN/PAN:ABBPT6832F		
(Appellant)		(Respondent)

Appellant by:	Shri S. K. Yogeshwar, Advocate		
Respondent by:	Shri S. K. Madhuk, CIT (DR)		
Date of hearing:	20	11	2019
Date of pronouncement:	21	11	2019

ORDER

PER A. D. JAIN, V.P.:

This is assessee's appeal against the order of the ld. CIT(A), Allahabad, dated 21/9/2017 for assessment year 2011-12, taking the following grounds:

1. Because on the facts and circumstances of the case, the Authority below was not justified in adding Rs.4,68,902/- as accrued interest of KVP.
2. Because the Authorities below was not justified in adding Rs.5,50,000/- deposited in. bank, the source of which is crystal clear.
3. Because the order passed by the Authority below is unjust and without providing proper opportunity to explain the Interest details and source of deposit in bank.
4. Because the order passed by the Authorities below are unjust and arbitrary and against principles of natural justice.

2. Apropos ground No.2, the ld. Counsel for the assessee has filed an application for admission of additional evidence, seeking to place on record the clarification from the State Bank of India to the effect that the certificate regarding the difference of date of deposit in the State Bank of India on 17/1/2011, after withdrawing the amount of Rs.5.50 lakhs from the Punjab National Bank on 18/1/2011, in which certificate, the bank certifies that the difference was due to shadow balance. The assessee also wants to place on record the KVP premature withdrawal certificate from the Post Office. It has been submitted, in the statement of facts filed before us, as well as by way of the averments made by the ld. Counsel for the assessee before us, that this evidence could not be filed before the Assessing Officer, since the relevant bank record was not available with the assessee at the relevant time. It has been further submitted that an application for additional evidence had been submitted before the ld. CIT(A) on 21/9/2017 and the order of the ld. CIT(A), which is the impugned order in the present appeal, was also passed on that very date, i.e., 21/9/2017.

3. We find the averment of the assessee, as above, to be justified. The assessee, no doubt, was prevented by sufficient cause from placing on record the aforesaid additional evidence before either of the authorities below. Therefore, in the interest of justice, we deem it appropriate to admit this additional evidence and remit this issue to the file of the Assessing Officer to be decided afresh in accordance with law, on affording due and adequate opportunity to the assessee. The assessee, no doubt, shall co-operate in the fresh proceedings before the Assessing Officer. All pleas available under the law shall remain so available to the assessee.

4. By way of ground No.1, the assessee contends that the authorities below have erred in adding and sustaining the addition of Rs.4,68,902/-, as accrued interest of KVP. Since the other issue pertaining to the addition of Rs.5.50 lakhs, deposited by the assessee in his bank account, has been remanded to the file of the Assessing Officer, as above, the present issue is also remitted to his file, for decision afresh in accordance with law, as per the aforesaid directions. Ordered accordingly.

5. In the result, for statistical purposes, the appeal is treated as allowed.

Order pronounced in the open Court on 21/11/2019.

Sd/-
[T. S. KAPOOR]
ACCOUNTANT MEMBER

Sd/-
[A. D. JAIN]
VICE PRESIDENT

DATED:21/11/2019

JJ:2011

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT(A)
4. CIT
5. DR

By order

Assistant Registrar