

**IN THE INCOME TAX APPELLATE TRIBUNAL "SMC", BENCH  
MUMBAI**

**BEFORE SHRI R.C.SHARMA, AM & SHRI VIKAS AWASTHY, JM**

**ITA No. 6336/Mum/2018  
(Assessment Year: 2010-11)**

Malvikaben Sanjivbhai Taktawala, H-801, One North, Near Magarpatta Township, Hadapsar, Pune-411028.	Vs.	A.C.I.T.-2(3)(1), Room No. 552, 5 <sup>th</sup> Floor, Aayakar Bhavan, M.K. Road, Mumbai-400020.
<b>PAN/GIR No.AACPT 4306 J</b>		
<b>(Appellant)</b>	..	<b>(Respondent)</b>

Assessee by	Shri Himanshu Gandhi (AR)
Revenue by	Shri Kumar Padmapani Bora (Sr.DR)
<b>Date of Hearing</b>	<b>03/12/2019</b>
<b>Date of Pronouncement</b>	<b>12/12/2019</b>

**आदेश / O R D E R**

**PER: R.C. SHARMA, A.M.**

This is the appeal filed by the assessee against the order of the Id. CIT(A)-6, Mumbai dated 21/08/2018 for the A.Y. 2010-11 in the matter of order passed U/s 143(3) r.w.s. 147 of the Income Tax Act, 1961 (in short, the Act).

2. The grievance of the assessee relates to declining claim of deduction U/s 24(a) of the Act in respect of income from house property and also for adding a sum of Rs. 3,65,117/- in respect of payment made by credit card.

3. Rival contentions have been heard and record perused. Facts in brief are that the assessee is a widow lady having income from property and interest income. For the A.Y. under consideration, the A.O. reopened the assessment on the ground that the assessee had made payment of Rs. 3,65,117/- against credit card. In reply to notice issued U/s 148, the assessee filed her return of income declaring total income of Rs. 7,37,722/- as under:

Income	Gross	Net Income
Rent Income under House Property	611250	
Less: 30% Standard Deduction	(183375)	427875
Interest Income	309847	309847
Total Income		737722

4. However, the A.O. ignored the return of income and added the entire rental income of Rs. 6,11,250/- and interest income of Rs. 2,97,291/- as reported in AIR Report (26AS), as income from other sources and denied the deduction U/s 24(a) against the house property income.

5. From the record we found that even in 26AS and AIR report also receipts were reported as from rent. Accordingly, the assessee is eligible for deduction U/s 24(a) of the Act in respect of standard deduction against the income from house property, therefore, we direct the A.O. to allow standard deduction of Rs. 1,83,375/- to the assessee and to assess income from rent under the head "income from house property". From the record we also found that in the A.Y. 2011-12 also rental income was

offered from the very same property and the A.O. has allowed standard deduction u/s 24(a) of the Act. Accordingly, we direct the A.O. to allow standard deduction to the assessee. So far as the interest income is concerned, the A.O. was correct in assessing the same as "income from other sources".

6. The A.O. also made addition in respect of credit card payment of Rs. 3,65,117/-. From the record we found that the assessee has declared following income during the earlier and current years:

A.Y.	Gross Total Income
2008-09	17,88,209
2009-10	21,44,466
2010-11	7,37,772
Total	46,70,477

It is clear that during the year under consideration, the assessee had shown income of Rs. 7,37,772/- and the total income for the last three years as shown by the assessee works out to be Rs.46,70,477/-. Thus, the income declared by the assessee is sufficient to take care of credit card payment. Considering totality of facts and circumstances of the case, we direct the A.O. to allow credit card payment of Rs. 3,50,000/-. We direct accordingly.

7. In the result, appeal of the assessee is allowed in part.

Order pronounced in the open court on 12<sup>th</sup> December, 2019.

**Sd/-**  
**(VIKAS AWASTHY)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(R.C.SHARMA)**  
**ACCOUNTANT MEMBER**

Mumbai; Dated 12/12/2019

\*Ranjan

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

सत्यापित प्रति //True Copy//

BY ORDER,

(Asstt. Registrar)  
**ITAT, Mumbai**