

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'B', NEW DELHI**

Before Sh. H. S. Sidhu, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

ITA No. 2340/Del/2017 : Asstt. Year : 2011-12

Sh. Deepak Dhar Gupta, A-145, New Friends Colony, New Delhi-110048	Vs	Assistant Commissioner of Income Tax, Circle-23(1), New Delhi
(APPELLANT)		(RESPONDENT)
PAN No. ACNPG1164G		

Assessee by : None

Revenue by : Ms. Ashima Neb, Sr. DR

Date of Hearing: 10.12.2019

Date of Pronouncement: 07.01.2020
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ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the assessee against the order of Id. CIT (A)-10, New Delhi dated 28.02.2017.

2. During the course of hearing today, nobody was present on behalf of the assessee, neither any adjournment was sought, hence the matter being decided on merits based on the facts available on record.

3. Following grounds have been raised by the assessee:

"On the facts and circumstances the Id. CIT (A) has erred by confirming the addition of Rs.9,01,670/-. The Id. CIT (A) has not appreciated the facts applicable to the case.

The Id. CIT (A) has not considered the deduction of payment of interest out of interest income."

4. The moot issue pertains to disallowance of interest claimed by the assessee u/s 36(1)(iii) of the Income Tax Act, 1961. The said disallowance

has been confirmed by the Id. CIT (A) owing to lack of supporting documents regarding the loan and utilization thereof for the purpose of business. The assessee could not prove the nexus between the receipt of the loan and repayment of any earlier loans. The Id. DR fairly argued that the matter needs to be examined by the revenue and the assessee may be directed to provide necessary evidences before the authorities. We find that interest of justice would be met, if the assessee is given an opportunity to submit the details regarding the loan and utilization thereof before the Id. CIT (A) so that a considered decision can be taken up by the revenue based on the evidences submitted. The assessee is directed to comply to the notices issued by the revenue authorities and we hope that the assessee would not misuse the trust reposed upon him.

5. In the result, the appeal of the assessee is allowed for statistical purpose.

Order Pronounced in the Open Court on 07/01/2020.

Sd/-

(H. S. Sidhu)
Judicial Member

Dated: 07/01/2020

Subodh

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

ASSISTANT REGISTRAR