

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

BEFORE SHRI V. DURGA RAO, HON'BLE JUDICIAL MEMBER

**ITA No. 454/VIZ/2018
(Asst. Year : 2014-15)**

M/s. The Arogya Lakshmi
Healthcare Private Ltd.,
D.No. 49-46-24, NGGO's
Colony, Akkayyapalem,
Visakhapatnam.

vs.

ITO, Ward-1(5),
Visakhapatnam.

PAN No. AAMCA 1716 C
(Appellant)

(Respondent)

Assessee by : Shri R.L.N. Somayajulu, CA.
Department By : Smt. U.Mini Chandran, Sr.DR

Date of hearing : 18/12/2019.
Date of pronouncement : 08/01/2020.

ORDER

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-10, Hyderabad, dated 19/06/2018 for the Assessment Year 2014-15.

2. The only issue involved in this appeal relates to addition of Rs. 8,59,000/-. The assessee has borrowed certain amounts from five persons amounting to Rs. 8,59,000/-. As no confirmation letters have been filed neither before the Assessing Officer nor before the Id. CIT(A), addition is made. Before us, Id.AR has filed

confirmation letters and also the details about the creditworthiness of the creditors and submitted that creditors are shareholders of the company. There is a dispute between the shareholders, therefore assessee-company has not filed the confirmations before the lower authorities and submitted that additional evidence may be admitted and issue may be remitted back to the Assessing Officer.

3. On the other hand, Id.DR strongly supported the orders of the authorities below.

4. We have heard both the parties, perused the material available on record and gone through orders of the authorities below.

5. We find that the assessee was not able to file the confirmation letters due to the reasons mentioned above. We find that it is a fit case to admit the additional evidence, accordingly additional evidence filed by the assessee is admitted in the form of paper book page Nos.1 to 17. In view of the above, the order passed by the Id. CIT(A) is set aside and the Assessing Officer is directed to adjudicate the issue *denovo* in accordance with law after giving reasonable opportunity to the assessee.

6. In the result, appeal filed by the assessee is allowed for statistical purpose.

Order Pronounced in open Court on this 08th day of Jan., 2020.

Sd/-
(V. DURGA RAO)
Judicial Member

Dated: 08th January, 2020.

vr/-

Copy to:

1. *The Assessee – M/s. The Arogya Lakshmi Healthcare Private Ltd., D.No. 49-46-24, NGGO's Colony, Akkayyapalem, Visakhapatnam.*
2. *The Revenue – ITO, Ward-1(5), Visakhapatnam.*
3. *The Pr.CIT-1, Visakhapatnam.*
4. *The CIT(A)-10, Hyderabad.*
5. *The D.R., Visakhapatnam.*
6. *Guard file.*

By order

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