

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

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

**ITA No. 658/HYD/2019
(Asst. Year : 2015-16)**

Kiran Kumar Metapally, vs. ITO, Ward-9(3)0,
C/o T. Chaitanya Kumar, Hyderabad.
Advocate, Flat No. 102, Gowri
Apartments, Urdu Lane,
Himayathnagar, Hyderabad.

PAN No. AKEPM 4448 E (Appellant) (Respondent)

Assessee by : Shri T.Chaitanya Kumar,Adv.
Department By : Shri Sunku Srinivas, Sr.DR

Date of hearing : 02/12/2019.
Date of pronouncement : 22/01/2020.

ORDER

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-8, Hyderabad, dated 05/03/2019 for the Assessment Year 2015-16.

2. The only issue involved in this appeal relates to addition of Rs. 4,50,000/- received by the assessee from Smt. T. Laxmi. The Assessing Officer has made the addition on the ground that the assessee failed to prove the creditworthiness of the loan creditor Smt. T. Laxmi.

- 3.** On appeal, Id. CIT(A) confirmed the order of the Assessing Officer on the ground that the assessee has failed to substantiate the creditworthiness of the loan creditor.
- 4.** On being aggrieved, assessee is in appeal before this Tribunal.
- 5.** The case of the assessee is that he has received an amount of Rs. 4.50 lakhs from Smt. T. Laxmi through banking channel, copies of the bank statements which were not filed before the lower authorities may be permitted to file before this Tribunal and for that purpose he filed a petition for admission of additional evidence.
- 6.** I have considered the entire facts and circumstances of the case and find that assessee has received an amount of Rs. 4.50 lakhs from Smt. T. Laxmi through banking channel, however, Assessing Officer as well as Id. CIT(A) not accepted the explanation of the assessee on the ground that assessee has failed to prove the creditworthiness of the creditor and genuineness of the transaction. In view of the above circumstances, I find that one more opportunity should be given to the assessee to substantiate his case before the Assessing Officer by filing the relevant details. Accordingly, I set aside the order passed by the Id. CIT(A) and remit the matter back to the file of the Assessing

Officer directing him to examine the details in respect of amount borrowed by the assessee from Smt. T. Laxmi and pass necessary orders *denovo* in accordance with law. I also direct the assessee to produce the relevant details before the Assessing Officer on the date is given for hearing without fail. Thus, this appeal filed by the assessee is allowed for statistical purpose.

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

Order Pronounced on this 22nd day of Jan., 2020.

Sd/-
(V. DURGA RAO)
Judicial Member

Dated: 22nd January, 2020.

vr/-

Copy to:

1. *The Assessee- Kiran Kumar Metapally, C/o T. Chaitanya Kumar, Advocate, Flat No. 102, Gowri Apartments, Urdu Lane, Himayathnagar, Hyderabad.*
2. *The Revenue - ITO, Ward-9(3), Hyderabad.*
3. *The Pr.CIT-7, Hyderabad.*
4. *The CIT(A-8, Hyderabad.*
5. *The D.R., Hyderabad.*
6. *Guard file.*

By order

Sr. Private Secretary,
ITAT, Visakhapatnam.