

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'SMC' NEW DELHI**

BEFORE SHRI H. S. SIDHU, JUDICIAL MEMBER

I.T.A. No. 706/Del/2019
Assessment Year: 2008-09

BALAN RAJA,
SERVANT QUARTER, H.NO. 27-A,
PRITHVI RAJ ROAD,
NEW DELHI – 110 003
(PAN: APCPR1444Q)

VS. ITO, WARD 52(2),
NEW DELHI
DR. SPM CIVIC CENTRE,
MINTO ROAD,
NEW DELHI – 110 002

(APPELLANT)

(RESPONDENT)

Assessee by: None
Revenue by: Smt. Rinku Singh, Sr. DR.

ORDER

This appeal is filed by assessee against the Order dated 04.12.2018 passed by the Ld. Commissioner of Income Tax(A)-18, New Delhi relating to Assessment Year 2008-09 on the following grounds:-

"That whether the Ld. CIT(A) was justified by upholding the additions made u/s. 68 of Rs. 2,56,000/- on account of outstanding loan amount of Rs. 1,06,000/- from his employer Sh. A.B. Singh who has expired on 11.09.2015 and loan of Rs. 1,50,000/- given to Sh. Vijay Kumar out of withdrawal from Bank for Rs. 98,000/- dated 12.01.2008 and own funds accumulated over the year, without appreciating the submission, evidence in the right prospective and without any adverse material."

The appellant craves leave to add, alter, amend or vary from the above facts/ statements at or before the time of the hearing.

2. The aforesaid appeal came up for hearing on 08.07.2019 by issuing notice RPAD and on the written request of the assessee the case was adjourned for 22.10.2019. On 22.10.2019, Ld. Counsel for the assessee seeks time for filing paper and accordingly the hearing was adjourned for 06.02.2020 for which both parties were informed in the Court. On 06.02.2020 neither the assessee attended nor filed any adjournment application. Keeping in view the facts and circumstances of the case, I am of view that no useful purpose would be served to send the notice again and again to the assessee, therefore, I am deciding the appeal *ex parte qua* assessee after hearing the Ld. DR.

3. At the time of hearing, Ld. DR relied upon the order passed by the revenue authorities and stated that Ld. CIT(A) has elaborately discussed the issue in dispute and decided the same against the assessee by passing the well reasoned order and after giving adequate opportunity of being heard to the assessee. Hence, he requested that the appeal filed by the Assessee may be dismissed.

4. I have heard Ld. DR and gone through the order passed by the revenue authorities, I am of the view that Ld. CIT(A) has decided the issues in dispute against the assessee. For the sake of convenience, the finding of the Ld. CIT(A) on the issue in dispute mentioned at page no. 2 is reproduced as under:-

4. The brief facts of the case are that the AO issued notice ix] s 148 of the Act on 30.10.2014 on the basis of information that the appellant has given cash loan of Rs. 6 lakhs to one Sh. Vijay Kumar. In response, the appellant filed the ITR on 15.01.2016 showing total income of Rs. 1,18,630/-. Notice u/s 143(2) of the Act was issued on 16.03.2016 and during the course of assessment proceedings, the appellant furnished the cash flow chart showing that he had received loan' from' his employer Sh. AB Singh and other persons. The AO

analyzed the cash flow statement and held that a sum of Rs. 2,56,000/- remain unexplained . and the same has been added by the AO u/s 68 Of the Act.

"4.1 During the course of appellate proceedings; the AR has submitted as under:

"I refer to your aforesaid letter dated 16.05.2016. That Mr. B Raja S/o Madurananayagam Balan is a salaried person and filed his income tax return. in compliance of Notice under section 148 of the Income Tax Act 961 for the assessment year 2008-09 with declaring income of Rs. 1,18,630. Income Tax and interest of Rs. 1609/- duly paid by the appellant before filing the ITR. Appellant has give a loan of Rs. 6,00,000/- to Sh. Vijay Kumar out of the own fluids accumulated over the year and out of borrowing from the employer, relatives and friends. The learned assessing office added Rs. 2,56,000/- out of Rs. 6,00,060/- as undisclosed income u/ s 68 of Act. That I had been served with an assesement order under section 143(3) of the said act by which the taxable income had been fixed at Rs.3,74,630/- as against the returned income of Rs. 118630/-. That the addition to the declared income viz., Rs.256000/- is on account of the following additions made at the time of assessment by four good officer.

a} Amount received from Employer which is balance for Rs. 106000/-, in this regards a copy of ledger of Mr. A B Singh is enclosed herewith ..

b) Loan of Rs. 1,50,000/- given to Mr. Vijay on 11.03.2018, in this explanation a copy of cash ledger for the period of 1.3.2008 – 31.3.2008 is enclosed herewith. That I have declared true and correct return and that I have not concealed the income nor had given in accurate particulars of income for the assessment year 2008-09.

PRAYER- I, therefore, pray that your Honor shall accept the conceded income as my true and correct income."

4.2 I have gone through the facts of the case and the submission made by the AR. It has been contended that Rs. 1,06,000/- was the balance available from the loan taken from the employer and Rs. 1,50,000 was available cash balance. However, the AR has not furnished any supporting documents to prove the genuineness of these available balances. In the absence of any evidence, I am of the view that the AO has rightly treated the amount of Rs. 2,56,000/- as unexplained and has made the addition u/s 68 of the Act. Accordingly, the addition made is upheld the grounds of appeal are dismissed."

4.1 After going through the findings of the Ld. CIT(A), I do not find any infirmity in the impugned order, hence, I uphold the same and dismiss the grounds raised by the Assessee. Since the assessee did not appear before the Bench in spite of the knowing the date of hearing, which was

pronounced in the Open Court, therefore, I have decided the case of the assessee ex parte. However, in the interest of justice, I am giving the liberty to the assessee to approach this Bench under Rule 24 of the Income Tax Appellate Tribunal Rules, 1963 and satisfy the Bench for non-appearance and that Application will be decided on merits in accordance with law.

5. In the result, the appeal filed by the assessee stands dismissed.

Order pronounced on 07/02/2020.

Sd/-
[H.S. SIDHU]
JUDICIAL MEMBER

Date 07/02/2020

"SRB"

Copy forwarded to: -

1. Appellant -
 2. Respondent -
 3. CIT
 4. CIT (A)
 5. DR, ITAT
- TRUE COPY

By Order,

Assistant Registrar, ITAT, Delhi Benches