

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A-SMC", HYDERABAD

BEFORE SHRI A. MOHAN ALANKAMONY,
ACCOUNTANT MEMBER

ITA No.1678/Hyd/2017		
Assessment Year: 2009-10		
Ramlal Gupta, Attapur – 500 048. PAN: AKIPR 1251 Q	Vs.	Income Tax Officer, Ward-4(1), Hyderabad.
(Appellant)		(Respondent)
Assessee by:	Sri D. Satyanarayana	
Revenue by:	Sri S. Murali Mohan, DR	
Date of hearing:	15/01/2020	
Date of pronouncement:	12/03/2020	

ORDER

This appeal is filed by the assessee against the order of the Ld. CIT(A)-1, Hyderabad in appeal No.0528/CIT(A)-1/Hyd/2014-15/2-17-18, dated 09/06/2017 passed U/s. 143(3) r.w.s 250(6) of the Act for the assessment year 2009-10.

2. The assessee has raised the following grounds in his appeal:-

- “1. *The order of the Ld. CIT(A) is erroneous both on facts and in law.*
2. *The Ld. CIT(A) erred in confirming the action of the A.O. in holding that the deposits in State Bank of Hyderabad to an extent of Rs. 20,34,500/- are not explained properly and further erred in treating the same as the income U/s. 69 of the Act.*
3. *The Ld. CIT(A) ought to have deleted the addition on the ground that the appellant submitted explanation before*

the A.O. regarding the source of explanation before the A.O. regarding the source of deposits and the purpose of such deposits.

4. *The Ld. CIT(A) ought to have arrived at the peak balance as most of the deposits represent withdrawals and redeposits into the bank account.*
5. *The Ld. CIT(A) erred in confirming the action of the A.O. in charging interest U/s. 234A, 234B and 234C of the Act.*
6. *Any other ground or grounds that may be urged at the time of hearing of the appeal.”*

3. At the outset, the ld. AR submitted that the Ld. Revenue Authorities have made the addition and sustained the same for Rs. 20,34,500/- due to unexplained cash deposited in the bank account. The Ld. AR further pleaded one more opportunity may be provided to the assessee since he now has all the requisite particulars to justify the cash deposits. The Ld. AR further submitted that on the earlier occasions, the assessee could not produce the evidence due to unavoidable circumstances. The Ld. DR on the other hand strongly opposed to the submission of the Ld. AR and stated that sufficient opportunities were provided by the Ld. Revenue Authorities on the earlier occasion, however, the assessee has not produced any materials to justify the cash deposited by him in his bank account. It was therefore pleaded that the order of the Ld. Revenue Authorities may be confirmed.

4. I have heard the rival submissions and carefully perused the materials on record. On examining the facts of the case, I find merit in the submissions of the Ld. DR. It is apparent from the order of the Ld. CIT(A) that sufficient opportunities were provided by the Ld. Revenue Authorities on the earlier occasions. However, the assessee has not produced any cogent materials to justify the cash deposited by him in his bank account. In this situation, I do not find much strength in the arguments advanced by the ld. AR. However, considering the prayer of the Ld. AR, nature of addition and the nature of employment of the assessee as he is a petty salary earner from M/s. Chunnilal & Sons, in the interest of justice, I hereby remit the matter back to the file of Ld. AO in order to consider the appeal afresh on merits by providing one more opportunity to the assessee of being heard. At the same breath, I also hereby caution the assessee to promptly co-operate before the Ld. CIT (A) in the proceedings failing which the Ld. CIT (A) shall be at liberty to pass appropriate order in accordance with law and merits based on the materials on the record. It is ordered accordingly.

5. In the result, appeal filed by the assessee is allowed for statistical purposes as indicated hereinabove.

Pronounced in the open Court on 12th March, 2020.

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 12th March, 2020.
OKK

Copy to:-

- 1) Ramlal Gupta, 4-6-93/3/A/3, Plot No.38, Maruthi Nagar, Attapur, - 500 048.
- 2) Income Tax Officer, Ward-4(1), IT Towers, AC Guards, Hyderabad.
- 3) The CIT(A)-1, Hyderabad
- 4) The Pr. CIT-1, Hyderabad
- 5) The DR, ITAT, Hyderabad
- 6) Guard File