

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH, "B" CHANDIGARH

श्री संजय गर्ग, न्यायिकसदस्य एवं श्रीमती अन्नपूर्णा गुप्ता, लेखा सदस्य
BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER AND
Ms. ANNAPURNA GUPTA, ACCOUNTANT MEMBER

आयकर अपील सं./ ITA No. 1243 & 1244/Chd/2019
निर्धारण वर्ष / Assessment Year : 2016-17 & 2017-18

Shri. Viplav Sood, 18, The Mall Road Shimla, (HP)	बनाम	The DCIT, Central Circle, Shimla.
स्थायी लेखा सं./PAN NO: BHKPS 8722 B		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

(Hearing through Video Conferencing)

निर्धारिती की ओर से/Assessee by : Shri Sudhir Sehgal (Adv.)

राजस्व की ओर से/ Revenue by : Shri Sandeep Dahiya (CIT)

सुनवाई की तारीख/Date of Hearing : 04/03/2021

उदघोषणा की तारीख/Date of Pronouncement : 04 /03/2021

आदेश/Order

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 28.06.2019 of the Ld. Commissioner of Income Tax (Appeals)-3, Gurgaon [in short 'CIT(A)'].

2. The assessee in these appeals has agitated the addition made by the lower authorities on account of deemed dividend u/s 2(22)(e) of the Income Tax Act, 1961 (in short 'the Act').

3. At the outset, Ld. Counsel for the assessee has brought our attention to the impugned assessment order and submitted that the Assessing officer while making the impugned additions has taken into account the figures of Mahashe Resorts Pvt. Ltd., wherein, the assessee had credit balance standing in their account

4. The Ld. Counsel has further invited our attention to the opening lines of para 6 of the order, wherein, the discussion regarding the addition on account of deemed dividend has been made which shows that, in fact, the Assessing Officer has taken note of certain loans and advances standing in the name of the assessee from Company M/s Mahashe Jewellers Pvt Ltd. in which the assessee is a director having substantial interest but while concluding, the Assessing Officer has mistakenly taken the figures of credit balance of the assessee in the account of Mahashe Resorts Pvt Ltd.. The Ld. Counsel has further invited our attention to the impugned order of the CIT(A) also to show that even the Ld. CIT(A) has not looked into this aspect and confirmed the additions in a mechanical manner. The Ld. Counsel, therefore, has submitted that the matter may be restored to the

file of the Assessing Officer so that the assessee may be able to present true picture of its account.

5. The Ld. DR has not objected to the same.

6. In view of this, the impugned order of the Ld. CIT(A) is set aside and the matter is restored to the file of the Assessing Officer for decision afresh on this issue.

7. Needless to say that the Ld. Assessing Officer will give proper opportunity to the assessee to present its case. Both the appeals of the assessee are treated as allowed for statistical purposes.

Order pronounced on 04/03/2021

Sd/-

(ANNAPURNA GUPTA)
Accountant Member

Sd/-

(SANJAY GARG)
Judicial Member

Date: 04/03/2021

Santosh

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,

सहायक पंजीकार/ Assistant Registrar