

IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ‘ A ‘ Bench, Hyderabad
(Through Video Conferencing)
Before Shri A. Mohan Alankamony, Accountant Member
AND
Shri S.S. Godara, Judicial Member

ITA Nos.1619 & 1620/Hyd/2018		
Assessment Years: 2010-11 & 2013-14		
Shri Sujit Agarwal Hyderabad PAN:ACLPA3197P (Appellant)	Vs.	Dy. CIT Central Circle 2(2) Hyderabad (Respondent)
Assessee by:	Sri Kiran	
Revenue by:	Sri Srinivas Reddy, DR	
Date of hearing:	09/02/2021	
Date of pronouncement:	07/04/2021	

ORDER

Per A. Mohan Alankamony, A.M.

These two appeals are filed by the assessee, aggrieved by the order of the learned CIT (A)-12, Hyderabad, in Appeal Nos.10401 & 10402/2017-18 for the A.Ys 2010-11 & 2013-14 respectively, both dated 30.05.2018.

2. In both the appeals, the assessee has raised identical grounds viz., the learned CIT (A) has erred in confirming the additions made by the learned AO for Rs.2,30,000 for the A.Y 2010-11 and Rs.6,00,000 for the A.Y 2013-14 treating the gift received from the assessee's sister as cash credit u/s 68 of the I.T. Act.

3. Brief facts of the case are that the assessee is an individual and Managing Director of M/s. Sawaria Pipes (P) Ltd. A search u/s 132 of the Act was conducted in the case of the assessee and his group and subsequently notice u/s 153A of the Act was issued. Thereafter, the assessment was completed u/s 143(3) r.w.s. 153A of the Act on 24.11.2017 for the A.Ys 2010-11 and 2013-14 wherein the learned AO made addition of Rs.2,30,000 and Rs.6,00,000 respectively invoking the provisions of section 68 of the Act by treating the gift received from the assessee's sister as his undisclosed income, which was further upheld by the learned CIT (A).

4. the learned Revenue Authorities arrived at this conclusion because sufficient evidence was not produced before the Revenue to establish the source of Smt. Sarika Agarwal.

5. At the outset, we do not see much merit in the order of the learned Revenue Authorities. Considering the status and financial position of Smt. Sarika Agarwal, the meagre amount of Rs.2,30,000 and Rs.6,00,000 gifted by her to her brother, is not a dis-believable proposition. The gift made by Smt. Sarika Agarwal to her brother was also confirmed by her. Hence the additions made in the hands of the assessee invoking the provisions of section 68 of the Act is not appropriate. Therefore, in the interest of justice, we hereby direct the learned AO to delete the additions made for Rs.2,30,000 and Rs.6,00,000 in the hands of the assessee u/s 68 of the Act for the A.Ys 2010-11 and 2013-14 respectively.

6. In the result, both the appeals of the assessee are allowed.

Order pronounced in the Open Court on 7th April, 2021.

Sd/- (S.S. GODARA) JUDICIAL MEMBER	Sd/- (A. MOHAN ALANKAMONY) ACCOUNTANT MEMBER
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Hyderabad, dated 7th April, 2021.

Vinodan/sps

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- 4 Pr. CIT – Central, Hyderabad
- 5 The DR, ITAT Hyderabad
- 6 Guard File

By Order