

**IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCHES : BENCH "B" HYDERABAD**

**(Through Video Conference)**

**BEFORE SHRI S.S. GODARA, JUDICIAL MEMBER  
AND  
SHRI L.P. SAHU, ACCOUNTANT MEMBER**

**I.T.A. No. 1564/Hyd./2019  
Assessment Year : 2011-12**

Shri Indukuri Vara Prasad Raju  
Hyderabad

**vs.** ITO, Ward - 11 (3)  
Hyderabad

[PAN: AAFHV9455B]

(Appellant)

(Respondent)

For Assessee: Shri B. Shanthi Kumar, Adv.  
For Revenue: Shri Rohit Mujumdar, CIT, D.R.

Date of Hearing : 07/04/2021  
Date of Pronouncement : 11 /06/2021

**ORDER**

**PER S.S. GODARA, J.M.**

This assessee's appeal for AY 2011-12 arises from CIT(A)-1 Hyderabad's order dated 23082019 passed in case no. 73/2014-15 involving proceedings u/s 143(3) of the Income Tax Act, 1961 for short 'the Act'.

Heard both the parties. Case file perused.

2. Learned counsel submits at the outset that assessee no more wishes to press it's former substantive grievance seek to reverse 8% estimated addition of Rs. 2,71,601/- in transportation business keeping in mind smallness thereof. This ground is rejected accordingly.

3. Next comes sec. 68 sundry creditors amount addition of Rs.1,19,01,037/- made as unexplained cash credits u/s 68 of the Act made in both lower proceedings, suffice to say, we deem it proper that the assessee has filed his additional evidence/ submissions before the CIT(A). He forwarded the same to the Assessing officer for a remand report dated 5.4.2019 (para 7.4, pages 7 & 8) that the above sundry creditors appear to be genuine. The same seals the outcome as per CIT vs. DM Purnesh (2020) 426 ITR 169 (Kar.) (HC) and

Smt. B Jaya Lakshmi vs. ACIT (2018) 96 taxmann.com 486 (Madras)

that the Revenue cannot be held as an aggrieved party in case the Assessing Officer's favourable remand report before the CIT(A). We adopt the very reasoning mutatis mutandis and delete the impugned addition for this precise reason alone. Necessary computation shall follow as per law.

This assessee's appeal is partly allowed in above terms.

Pronounced in Open Court on 11<sup>th</sup> June, 2021.

**Sd/-**

**(L.P. SAHU)  
ACCOUNTANT MEMBER**

**Sd/-**

**(S.S. GODARA)  
JUDICIAL MEMBER**

Dated: the 11<sup>th</sup> June, 2021.

\* gmv

Copy of the Order forwarded to:

1. Sri Indukuri Vara Prasad Raju, Flat no.103, Raga Manor Apartments, Jaya BGharat Nagar, Hyderabad 500 084.
2. ITO, Ward -11(3), Hyderabad.
3. ACIT, Range 11, Hyderabad.
4. CIT(A)-1, Hyderabad
5. Pr.CIT-5, Hyderabad
6. DR, ITAT, Hyderabad.
7. Guard File.