

**IN THE INCOME TAX APPELLATE TRIBUNAL
“B”BENCH: BANGALORE**

**BEFORE SHRI N.V. VASUDEVAN, VICE PRESIDENT
AND
SHRI B.R. BASKARAN, ACCOUNTANT MEMBER**

ITA No.198/Bang/2019
Assessment Year: 2013-14

M/s. Sevensseas Global Express Logistics Pvt. Ltd. 39/4, Shivas, Outer Ring Road Doddanekundi, Marathahalli Post Bangalore 560 037. PAN NO :AAACO8182E	Vs.	ACIT Circle-6(1)(1) Bengaluru
APPELLANT		RESPONDENT

Appellant by	:	Shri Sultan Mohiuddin, A.R.
Respondent by	:	Shri Priyadarshi Mishra, D.R.

Date of Hearing	:	20.04.2021
Date of Pronouncement	:	14.06.2021

ORDER

PERB.R. BASKARAN, ACCOUNTANT MEMBER:

The appeal filed by the assessee is directed against the order dated 14.11.2018 passed by Ld. CIT(A)-6, Bengaluru and it relates to the assessment year 2013-14. The assessee is aggrieved by the decision of Ld. CIT(A) in confirming the addition of Rs.9 lakhs made by the A.O. u/s 68 of the Income-tax Act,1961 ['the Act' for short].

2. We heard the parties and perused the record. The assessee is engaged in the freight forwarding business. The A.O. disallowed a sum of Rs.15.25 lakhs u/s 68 of the Act, which consisted of loan of

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Rs.6.25 lakhs taken from Shri Totlani Enterprises and Rs.9 lakhs taken from M/s. Jayesh Enterprises. The Ld. CIT(A) deleted the addition of Rs.6.25 lakhs relating to Shri Totlani Enterprises. The Ld CIT(A) confirmed the addition of Rs.9.00 lakhs relating to Jayesh Enterprises on the reasoning that there is difference in the permanent account number mentioned in the confirmation letter and in the copy of Form No.16A filed by the assessee.

3. The Ld. A.R. submitted that the assessee had taken loan from M/s. Jayesh Enterprises and also another person named Jayesh Kothari. At the time of filing documents, Form No.16A belonging to Jayesh Kothari has been filed inadvertently. He submitted that the assessee has furnished balance confirmation letter as well as Form No.16A issued to M/s. Jayesh Enterprises in the paper book. As such, there is no confusion as presumed by Ld. CIT(A). Accordingly, the Ld. A.R. submitted that the assessee may be provided with an opportunity to give necessary clarifications to the A.O. in this regard.

4. The Ld. D.R. also did not oppose to the plea of the Ld. A.R.

5. We heard the parties and perused the record. We notice that the Ld. CIT(A) has confirmed the addition of Rs.9.00 lakhs availed for the reason that the PAN number mentioned in the confirmation letter and in Form No.16A are different. The assessee now clarifies that Form No.16A filed before Ld. CIT(A) actually belongs to some other party. The Ld. A.R. also submits that the assessee would be in a position to clarify this factual aspect before the A.O. if an opportunity is given. In the interest of natural justice, we find merit in the prayer put forth by Ld. A.R., since the addition has been confirmed by Ld. CIT(A) only for the reason that there is difference

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in the PAN number. Accordingly, we are of the view that the assessee may be provided with one more opportunity to clarify this confusion. Accordingly, we set aside the order passed by the Ld. CIT(A) on the issue of addition of Rs.9.00 lakhs and restore the same to the file of the A.O. for examining it afresh. The assessee may furnish all the documents that may be called for by the AO in this regard.

6. In the result, the appeal filed by the assessee is treated as allowed for statistical purposes.

Order pronounced in the open court on 14th June, 2021.

Sd/-
(N.V. Vasudevan)
Vice President

Sd/-
(B.R. Baskaran)
Accountant Member

Bangalore,
Dated 14th June, 2021.
VG/SPS

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore.