

**आयकर अपीलीय अधिकरण “डी” न्यायपीठ मुंबई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“D” BENCH, MUMBAI**

**माननीय श्री महावीर सिंह, उपाध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।**  
**BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**  
**(Hearing Through Video Conferencing Mode)**

1. आयकरअपील सं./ I.T.A. No.4028/Mum/2017  
(निर्धारण वर्ष / Assessment Year: 2010-11)

<b>M/s R &amp; B Infra Project Pvt. Ltd.</b> B-1, Neela Apartment S.V.P. Road, Borivali (West), Mumbai-400 092	<b>बनाम/</b> Vs.	<b>DCIT – 13(3)(1)</b> Room No. 229 Aayakar Bhavan, M. K. Road, Mumbai-400 020
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. <b>AAECM-3616-P</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

<b>Assessee by</b>	:	Ms. Ruchi Rathod, Ld. AR
<b>Revenue by</b>	:	Shri Sunil Jha, Ld. CIT-DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	05/08/2021
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	05/08/2021

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aggrieved by confirmation of addition of Rs.78.75 Lacs u/s 68 for Assessment Year (AY) 2010-11 vide impugned order dated 20/03/2017, the assessee is in further appeal before us.

2. The Ld. AR sought directions as given in Tribunal’s order in assessee’s own case for AY 2012-13, ITA No.5347/Mum/2016 order dated 24/09/2018, a copy of which has been placed on record. The Ld. DR concurred that the matter may be restored back for verification etc.

3. The material facts are that the assessee's case was reopened pursuant to receipt of certain information that the assessee procured bogus share application money of Rs.28.75 Lacs from an entity namely M/s Triangular Infocom Ltd, an entity allegedly run by entry provider Shri Praveen Kumar Jain. Since the assessee failed to discharge the onus of proving the genuineness of the transactions, the same was added to the income of the assessee as unexplained cash credit u/s 68.

4. During appellate proceedings, the assessee furnished additional evidences which were subjected to remand proceedings. It transpired that the assessee had received similar amount aggregating to Rs.50 Lacs from two more entities which was also required to be added u/s 68. In the absence of any satisfactory explanation forthcoming from the assessee, the aggregate addition of Rs.78.75 Lacs was confirmed. Aggrieved, the assessee is in further appeal before us.

5. We find that similar issue cropped in assessee's own case for AY 2012-13 wherein the matter was remanded back to the file of Ld.AO with a direction to the assessee to furnish necessary evidences to substantiate the claim. We find that facts are similar in this year except for the fact that remand report was sought in this year. However, that would not materially alter the adjudication since the onus is on assessee to substantiate the impugned transactions. Therefore, we restore the matter back to the file of Ld. AO on similar lines with a direction to the assessee to furnish necessary evidences to substantiate the claim. Needless to add that adequate opportunity of hearing shall be granted to the assessee. This ground stand allowed for statistical purposes. No other ground has been urged before us.

6. The appeal stand allowed for statistical purposes.

*Order pronounced on 05<sup>th</sup> August, 2021.*

**Sd/-  
(Mahavir Singh)**

उपाध्यक्ष / Vice President

**Sd/-  
(Manoj Kumar Aggarwal)**

लेखा सदस्य / Accountant Member

मुंबई Mumbai; दिनांक Dated : 05/08/2021  
Sr.PS, Dhananjay

**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT- concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)  
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.