



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

BEFORE SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER

ITA No.01/CTK/2019
Assessment Year: 2015-16

Parameswar Multi Purpose Coal Transport Co-operative Limited, At: Ambamunda, Talcher, Dist: Angul.	Vs.	ITO, Angul Ward, Angul
PAN/GIR No.AABAP 9791 P		
(Appellant)	..	(Respondent)

ITA No.02/CTK/2019
Assessment Year: 2015-16

M/s. Laxminarayana Self Labour & Transport, At: Shree Ganesh Villa, Qr No.9, Bikash Nagar, PTI, Angul	Vs.	ITO, Angul Ward, Angul
PAN/GIR No.AAAAL 5590 P		
(Appellant)	..	(Respondent)

Assessee by : Shri K.K.Bal
Revenue by : Shri Subhendu Dutta, DR

Date of Hearing : 14/05/ 2019
Date of Pronouncement : 14/05/ 2019

ORDER

Both the appeals filed by the separate assesses are directed against the common order of the Commissioner of Income



Tax(Appeals)-2, Bhubaneswar both dated 10.10.2018 for the assessment year 2015-16.

2. The common grounds raised in both the appeals are as under:

“1. For that the order of the forum below is arbitrary and unjust in the facts and circumstances of the case, hence liable to be quashed.

2. For that the AO erred in making addition by taking into account the wrong cash book instead of the actual cash book furnished by the Accountant of the assessee in the course of assessment. Therefore, the addition is arbitrary and liable to be deleted.

3. For that the AO erred in making addition u/s.68 the negative cash balance, which has not been credited in the assessee’s books of account. Therefore, the addition is illegal and liable to be deleted.

4. For that in course of assessment the assessee furnished the salary distribution statement in support of the salary paid to the employees. In the salary distribution statement, the employees have put their signature with date while receiving the salary. This fact should have been considered prior to making addition. Therefore, the addition is not just and proper and liable to be deleted.

5. For that the CIT(A) erred in appreciating the peak negative cash balance without verifying the actual cashbook and supporting evidence.”

3. I have considered the rival submissions, perused the relevant materials on record of the Tribunal. Ld A.R. of the assessee submitted that the Assessing Officer has taken into consideration the wrong cash book while making the addition ignoring the correct cash book filed before him. He submitted that



before the CIT(A), the assessee had taken a plea that the due to technical error while taking print out from tally package, the negative cash book was furnished, however, when it came to the knowledge of the assessee, the correct cash book was furnished, but the Assessing Officer refused to take the same on record. The CIT(A) did not accept the contention of the assessee and confirmed the action of the Assessing Officer. Ld A.R. also submitted that although the correct cash book was filed before the CIT(A), he did not give any findings on the same. Therefore, the matter be restored to the file of the Assessing Officer to consider the correct cash book and decide the issue afresh.

4. Ld D.R. agreed to the submissions of the assessee and also further submitted that to avoid the multiplicity of the proceedings, the matter should be restored to the file of the Assessing Officer.

5. In view of above, I set aside the orders of lower authorities and remit this issue in both the appeals to the file of the Assessing Officer for limited purposes that to accept the correct cash book on record and after verification decide the issue afresh as per law and after giving opportunity to the assessee.



6. In the result, both the appeals are allowed for statistical purposes.

Order pronounced on 14 /05/2019.

Sd/-

(Chandra Mohan Garg)
JUDICIALMEMBER

Cuttack; Dated 14 /05/2019
B.K.Parida, SPS

Copy of the Order forwarded to :

1. The Appellant : Parameswar Multi Purpose
Coal Transport Co-operative Limited, At:
Ambamunda, Talcher, Dist: Angul/

Laxminarayan Self Labour Transport
Limited.,Angul.

2. The Respondent. ITO, Angul Ward, Angul
3. The CIT(A)-2, Bhubaneswar
4. Pr.CIT-2, Bhubaneswar.
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

By order

Sr. Pvt. Secretary,
ITAT, Cuttack