

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A", HYDERABAD

BEFORE
SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER
AND
SHRI S.S. GODARA, JUDICIAL MEMBER

	ITA No. 181/Hyd/2020		
	A.Y. 2014-15		
Raghu Jana, Hyderabad. PAN: AVTPJ 4049 A	VS.	Income Tax Officer, Ward-8(2), Hyderabad.	
(Appellant)		(Respondent)	
Assessee by:	Sri K.A. Sai Prasad		
Revenue by:	Sri T. Sunil Goutam, Sr. AR		
Date of hearing:	07/12/2021		
Date of pronouncement:	13/12/2021		

ORDER

PER A. MOHAN ALANKAMONY, A.M:

This appeal is filed by the assessee against the order of the Ld. CIT(A)-2, Hyderabad in appeal No. CIT(A), Hyderabad-2/10030/2017-18, dated 11/12/2019 passed U/s. 143(3) r.w.s 250(6) of the Act for the A.Y. 2014-15.

2. The assessee has raised four grounds in his appeal, and they are extracted herein below for reference:

- “1. *The Learned First Appellate Authority is not justified in confirming the addition of Rs. 14,44,810/- made U/s. 68 of Income Tax Act.*
2. *The Learned First Appellate Authority is not justified in not directing the Assessing Officer to set off the income U/s. 68 against the business loss claimed by the appellant.*
3. *The Learned First Appellate Authority failed to appreciate the fact that the Assessing officer is not justified in treating the entire deposits in the bank account as unexplained without giving any credit to the savings of earlier years especially when the assessee is on the rolls of the department.*
4. *The Learned First Appellate Authority is not justified in refusing to grant set off of business loss against the income U/s. 68 on the ground that the loss is from speculative business without affording any opportunity to the appellant to prove that the loss in the business is not speculative in nature, though by ill advise indicated as speculative loss in the return of income.*
5. *The appellant craves leave to add, amend or alter any of the grounds at the time of hearing of appeal.”*

3. At the outset, the Ld. AR submitted before us that the assessee has filed additional evidence before the Tribunal as he was able to obtain proper evidence in support of the claim of business loss only now. The Ld. AR further submitted that the additional evidence submitted by the assessee relates to the substantial additions made by the Ld. AO which was further sustained by the ld. CIT (A). It was further submitted that due to several constraints the assessee was unable to furnish the

same before the Ld. Revenue Authorities on the earlier instances. It was therefore pleaded that one more opportunity may be provided to the assessee in order to avoid miscarriage of the justice otherwise it would bring irreparable loss to the assessee.

4. The Ld. DR on the other hand, vehemently argued for sustaining the orders of the Ld. Revenue Authorities since the Ld. Revenue Authorities have provided proper opportunity to the assessee of being heard.

5. We have heard the rival submissions and carefully perused the materials on record. On perusing the order of the Ld. Revenue Authorities, We find that the assessee has not furnished sufficient evidence before them and therefore, the Revenue had no other option but to make substantial additions in the hands of the assessee. This lapse on the part of the assessee is not appreciable. However, since now the assessee has furnished some fresh evidence before the Tribunal, in the interest of justice, We hereby remit the entire matter back to the file of the ld. AO for de-novo consideration with direction to admit and examine the additional evidence and any other evidence filed by the assessee before the Ld.AO for the first time and thereafter pass appropriate order in accordance with law

and merit. We also hereby caution the assessee to promptly cooperate before the Ld. Revenue Authorities failing which they shall be at liberty to pass appropriate order based on the materials on record.

6. In the result, appeal of the assessee is allowed for statistical purposes as indicated hereinabove.

Pronounced in the open Court on the 13th December, 2021.

Sd/-
(S.S. GODARA)
JUDICIAL MEMBER

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 13th December, 2021.

OKK

Copy to:-

- 1) Raghu Jana C/o. Katrapati & Associates, 1-1-298/2/B/3, 1st Floor, Ashok Nagar, Hyderabad.
- 2) Income Tax Officer, Ward-8(2), 6th Floor, Signature Towers, Kondapur, Hyderabad – 500 079.
- 3) The CIT(A)-2, Hyderabad.
- 4) The Pr. CIT-2, Hyderabad.
- 5) The DR, ITAT, Hyderabad
- 6) Guard File