

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "B", PUNE – VIRTUAL COURT

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI RAVISH SOOD, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.337/PUN/2017
निर्धारण वर्ष / Assessment Year: 2007-08

M/s. Arun Shinde, Plot No.3, S.No.17, Kimaya Bungalow, Dhanashree Hsg. Society, Karvenagar, Pune- 411050. PAN : ADHPS2565E	Vs.	ITO, Ward-3(3), Pune.
Appellant		Respondent

Assessee by : None
Revenue by : Shri S. P. Walimbe
Date of hearing : 05.01.2022
Date of pronouncement : 05.01.2022

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of Id. Commissioner of Income Tax (Appeals)-3, Pune ['CIT(A)' for short] dated 28.10.2016 for the assessment year 2007-08.

2. The appellant raised the following grounds of appeal :-

*"The following grounds are taken without prejudice to each other-
On facts and in law -*

- 1. The learned CIT(A) erred in confirming the addition of Rs.1,79,57,720/- u/s 69 of the I. T. Act, 1961.
For this and such other grounds as may be urged at the time of hearing, the order of the CIT (Appeals) and the Assessing Officer*

may be vacated and the appellant's claim may be allowed or any suitable directions issued.

2. *The appellant craves leave to add, alter, amend or delete any of the above grounds of appeal."*

3. When the matter had come up for hearing, none appeared on behalf of the appellant despite due service of notice, therefore, we proceed to decide the issue after hearing the ld. Sr. DR.

4. Briefly, the facts of the case are as under :

The appellant is an individual engaged in the business of sale & purchase of lands. No return of income for the assessment year 2007-08 was filed. However, the Assessing Officer, on receipt of the information from the Director of Investigation that the appellant had credits in his bank account with ICICI Bank Ltd., Kothrud Branch, A/c No.003901553023 to the extent of Rs.1,79,57,720/-, formed an opinion that the income escaped assessment and, accordingly, issued notice u/s 148 of the Income Tax Act, 1961 ('the Act') on 14.03.2014. In response to the said notice u/s 148, no return of income was filed by the assessee. Subsequently, there was no response even to the notices issued u/s 142(1) by the Assessing Officer. In these circumstances, the Assessing Officer was constrained to pass an *ex-parte* assessment u/s 144 of the Act bringing to tax credits of Rs.1,79,57,720/- appearing in the bank

account of the assessee vide order dated 17.03.2015 passed u/s 144 r.w.s. 147 of the Act.

5. Being aggrieved by the above order, an appeal was preferred before the ld. CIT(A) contesting the above addition contending that the credits in the bank account during the year under consideration is only Rs.1,52,00,820/- and the credits represent the amount received from M/s. Prayas Buildwel Pvt. Ltd. the advance towards sale of land and cash deposit of Rs.38,06,000/- was made out of opening balance or cash withdrawal etc.. It is further contended that the entire receipt of money credited to the bank account does not represent taxable income. However, the said contentions were rejected by the ld. CIT(A) for the reasons given in para 5.3.1 to 5.3.3 of his order. However, the ld. CIT(A) had remitted the issue of availability of opening balance of Rs.3,34,142/- to Assessing Officer.

6. Being aggrieved by the decision of the ld. CIT(A), the appellant is before us in the present appeal.

7. Even before us, when the appeal was called on none appeared on behalf of the appellant despite due service of notice and after hearing the ld. Sr. DR we proceed to dispose of this matter. The issue in the present appeal relates to the taxability of the credits appearing in the bank account of the assessee with ICICI Bank,

Kothrud Branch, A/c No.003901553023. Before the Assessing Officer no details were filed as to the source of deposits of the said sums. However, before the ld. CIT(A), the assessee had attempted to explain the source of deposits as advance received towards sale of land from Mr. Dharumbre and M/s. Prayas Buildwell Pvt. Ltd. and the cash deposits are stated to be made out of opening balance and withdrawal of the cash from the bank. However, before the ld. CIT(A) no confirmations from the parties from whom advance was received was filed and similarly the proof as to the existence of opening cash balance as well as cash withdrawn from bank was not filed. In the circumstances, the ld. CIT(A) was justified in rejecting the explanation offered in support of the credits appearing in the bank account of the assessee. Accordingly, we uphold the order of the ld. CIT(A). We do not find merit in the appeal filed by the assessee. Thus, the ground of appeal raised by the assessee stands dismissed.

8. In the result, the appeal filed by the assessee stands dismissed.

Order pronounced on this 05th day of January, 2022.

Sd/-
(RAVISH SOOD)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 05th January, 2022.

Sujeet

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-3, Pune.
4. The Pr. CIT-2, Pune.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "B" बेंच, पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.