

आयकर अपीलिय अधिकरण, 'बी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'B' BENCH, CHENNAI
श्री वी दुर्गा राव न्यायिक सदस्य एवं श्री जी. मंजुनाथा, लेखा सदस्य के समक्ष
Before Shri V. Durga Rao, Judicial Member &
Shri G. Manjunatha, Accountant Member

आयकर अपील सं./I.T.A. No.2643/Chny/2019
निर्धारण वर्ष/Assessment Year: 2009-10

M/s. Sathees Kumar HUF,
No. 123, St Mary's Road,
Alwarpet, Chennai 600 018.

The Income Tax Officer,
Vs. Non Corporate Ward 3(2),
Chennai.

[PAN:AADHC0380A]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri D. Anand, Advocate
प्रत्यर्थी की ओर से/Respondent by : Dr. I.P. Roopa, JCIT

सुनवाई की तारीख/ Date of hearing : 05.01.2022
घोषणा की तारीख /Date of Pronouncement : 05.01.2022

आदेश /O R D E R

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals) 4, Chennai dated 25.06.2019 relevant to the assessment year 2009-10.

2. Facts are, in brief, that the assessee filed a return of income for the assessment year 2009-10 on 30.09.2019 admitting total income of ₹.1,83,480/-. The return filed by the assessee was processed under

section 143(1) of the Income Tax Act, 1961["Act" in short]. In this case, the assessee has purchased a property and same was not disclosed in the return of income. Accordingly, the case of the assessee was reopened and the assessee was asked to explain the source of purchase of property. The assessee has submitted that the source is from HUF. However, the assessee has unable to explain with supporting evidence with respect to the source of purchase of property. Accordingly, the Assessing Officer made addition under section 69B of the Act in individual status and also made addition on substantive basis in the hands of HUF, which was confirmed by the Id. CIT(A) on appeal.

3. On being aggrieved, the assessee is in appeal before the Tribunal. The Id. Counsel for the assessee has submitted before us that the assessee, Individual Shri Sathees Kumar has opted for the Vivad-se-Vishwas Scheme 2020 and paid the taxes and filed Form No. 4 before us and submitted that the addition being on protective basis, the substantive addition cannot survive for the reason that the assessee has already paid taxes under VSVS 2020.

4. On the other hand, the Id. DR has not raised any objection.

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. In this case, the assessee, in his individual status, opted for the Vivad-se-Vishwas Scheme 2020 and paid the taxes and filed Form No. 4 and therefore, we are of the opinion that the substantive addition cannot survive. In view of the above facts and circumstances, the appeal filed by the assessee is allowed.

6. In the result, the appeal filed by the assessee is allowed.

Order pronounced on 05th January, 2022 at Chennai.

Sd/-
(G. MANJUNATHA)
ACCOUNTANT MEMBER

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 05.01.2022

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/ Respondent, 3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5. विभागीय प्रतिनिधि/DR & 6. गार्ड फाईल/GF.