

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" : HYDERABAD
(THROUGH VIDEO CONFERENCE)**

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER
AND
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

I.T.A. No. 99/HYD/2020

Assessment Year: 2008-09

Ranjith Kumar Manikonda, HYDERABAD [PAN: ALHPR3561K]	Vs	Income Tax Officer, Ward-11(3), HYDERABAD
------------------------------------------------------------	----	-------------------------------------------------

(Appellant)

(Respondent)

For Assessee : Shri P.Murali Mohan Rao, AR

For Revenue : Shri Rohit Mujumdar, DR

Date of Hearing : 13-01-2022

Date of Pronouncement : 15-02-2022

ORDER

PER S.S.GODARA, J.M. :

This assessee's appeal for AY.2008-09 arises from the CIT(A)-1, Hyderabad's order dated 18-10-2019 passed in case No.0118 / CIT(A)-1 / Hyd / 2016-17, involving proceedings u/s.144 r.w.s.147 of the Income Tax Act, 1961 [in short, 'the Act'].

Heard both the parties. Case file perused.

2. Coming to the assessee's first and foremost substantive ground challenging validity of the impugned re-opening, we note that the Assessing Officer herein had recorded the following reasons:

"During the survey proceedings in the case of M/s KSR Constructions, sworn statement of Sri M.Ranjith Kumar (brother-in-law of Sri K. Kondal Rao who is a partner in M/s KSR Constructions) was recorded u/s 131 of the I.T. Act, 1961.

In the statement, regarding details of immovable properties Sri M Ranjith Kumar stated that in the year 2008 he and his wife Smt. M. Saritha purchased agricultural lane. admeasuring 17.5 acres in the village Kandi, Medak Dist. for a consideration of Rs.2,10,75,000/- and admitted that total consideration was paid by himself and his wife Smt.M. Saritha. However, the assessee has not filed return of income for the AY 2008-09 reflecting the source for investment.

In view of the above, for further verification of the sources of investments of the assessee, it is opined that the case would require re-opening of the assessment for the AY 2008-09. In view of the same, kind approval is sought for issue of notice u/s 147 of Income Tax Act”.

3. Learned departmental representative fails to dispute that the Assessing Officer has clearly stated in his re-opening reasons that he proposed the said Section 148/147 mechanism in motion for “further verification of the sources of investments of the assessee” only. That being the case, we are of the opinion that learned Assessing Officer had miserably failed to record that the assessee’s taxable income liable to be assessed had escaped assessment which is in the nature of a mandatory requirement. Case law Hindustan Lever Ltd., Vs. R.B. Wadkar [268 ITR 332] (Bom) holds that the Assessing Officer’s reopening reasons have to be read as it is without any scope for addition/deletion or substitution thereof at a latter stage. The impugned re-opening itself is quashed in light thereof accordingly.

All other pleadings on merits are rendered infructuous.

4. This assessee’s appeal is allowed in above terms.

Order pronounced in the open court on 15th February, 2022

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

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

Hyderabad, Dated: 15-02-2022

Copy to :

*1.Ranjith Kumar Manikonda, Plot No.21 & 22, PVR Heights,
Saibaba Nagar Colony, Kukatpally, Hyderabad.*

2.The Income Tax Officer, Ward-11(3), Hyderabad.

3.CIT(Appeals)-1, Hyderabad.

4.Pr.CIT-5, Hyderabad.

5.D.R. ITAT, Hyderabad.

6.Guard File.