

**IN THE INCOME TAX APPELLATE TRIBUNAL  
HYDERABAD BENCHES "B": HYDERABAD**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER  
AND  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

Sl. No.	ITA No.	AY	Appellant	Respondent
1&2	2361 & 2362/H/2018	2009-10 & 2011-12	Gunti Prasad, Hyderabad. PAN - AFDPG 3013M	Income-tax Officer, Ward - 9(2), Hyderabad
3	2360/H/2018	2009-10	Gunti Prasad (HUF), Hyderabad. PAN - AAEHG 1787 Q	-do-
4	2363/H/2018	2009-10	Gunti Anil Kumar, Hyd. PAN-ADEPG 7609Q	-do-
5	2364/H/2018	2009-10	Gunti Naveen Kumar, Hyd. PAN-AHLPG 6874L	-do-
6	2365/H/2018	2009-10	Gunti Ashwin Kumar, Hyd. PAN-ADEPG 7603E	-do-
			Assessee by:	Shri K.C. Devdas
			Revenue by:	Shri YVST Sai
			Date of hearing:	09/03/2022
			Date of pronouncement:	17/03/2022

**ORDER**

**PER BENCH:**

**ITA No. 2362/Hyd/2018 for AY 2011-12 in the case of  
Gunti Prasad**

This appeal is directed against order of CIT(A) - 7,  
Hyderabad dated 04/10/2018 for the AY 2011-12

involving proceedings u/s 153A of the Income Tax Act, 1961 ; in short “the Act”, on the following grounds of appeal:

*1. The order of the Hon'ble CIT(A) is erroneous in law as well as facts of the case.*

*2. The Hon'ble CIT(A) ought to have observed that the assessing officer without any supporting material on record concluded that the amount of Rs.10 lakhs constituted unexplained investment and therefore ought not to have sustained the addition.*

*3. The Hon'ble CIT(A) ought to have observed that the assessing officer did not appreciate the fact that the above mentioned amount was also taken into consideration while making declaration of income for assessment purpose for various asst. years and therefore ought to have directed for deletion of the addition.*

*4. The Hon'ble CIT(A) ought to have taken into consideration the fact that substantial income was declared for assessment purpose for earlier asst. year and the amount advanced and realized during the accounting year 2010-11 was part of the earlier assessed income and therefore the addition made by the assessing officer was not sustainable.*

*5. Any other ground will be raised at the time of hearing.”*

2. Briefly the facts of the case are that the appellant filed Return of Income u/s.139(1) of the I.T. Act on 5-6-2012 admitting total income at Rs.2,82,202/-. Search action u/s 132 was carried out in the case of appellant on 20-11-2014

and incriminating document in the form of original stamp document dated 13-7-2010 was found and seized vide Page No. 40 of Annexure A/GP/01 indicating an amount of Rs. 10,00,000/- lent by Sri Gunti Prasad to Sri V. Janardhan Reddy and Sri K.Rukma Reddy as loan. Subsequently regarding the source for the amount given by the assessee to Sr. V .Janardhan Reddy and Sri K.Rukma Reddy, the assessee admitted in a statement recorded u/s.131 of the Act on 24-11-2014 as undisclosed income of Rs.10,00,000/- for A.Y.2.011-12. Thus, the appellant made a disclosure of Rs. 10,00,000/- as undisclosed income for the A.Y.2011-12. Thereafter, the Assessing Officer issued notice u/s.153A of the I.T. Act on 28-9-2015 requiring the appellant to furnish return of income. In response thereof, the appellant has furnished return of income on 30-10-2015 admitting taxable income of Rs.2,81,000/- without including the undisclosed income of Rs. 10,00,000/- admitted during the course of search action. Thereafter, the Assessing Officer framed an assessment u/s.153A rws 143(3) assessing the income of Rs.13,72,200/-- which included undisclosed Income of Rs. 10,00,000/-.

3. Aggrieved by the order of AO, the assessee preferred an appeal before the CIT(A) and filed written submissions before the CIT(A), which were extracted by the CIT(A) in his order at pages 4 to 6 of his order.

4. After considering the submissions of the assessee, the CIT(A) confirmed the order of the AO.

5. Aggrieved by the order of CIT(A), the assessee is in appeal before the ITAT.

6. Before us, the ld. AR of the assessee filed written submissions, wherein inter-alia stated that during the course of assessment proceedings, the assessee explained the sources of income for Rs. 10 lakhs in response to a query from the Assessing Officer vide its letter dated 19/12/2016 along with the cash flow statement which finds a place at pages 60 to 61 of the paper book filed. The amount was advanced to Mr. Rukma Reddy and others at Rs. 10 lakhs and on 13/07/2010. This amount was returned on 13/07/2020 and reflected in the cash flow statement and therefore it was requested that the said amount of Rs. 10 lakhs be not treated as additional income for the AY 2011-12. Further, it was stated that the Assessing Officer has not appreciated the fact that the entire issue was explained on the basis of the entire voluntary disclosure made in the group and also the cash flow statement which was filed in response to the query raised by the Assessing Officer and which finds a place at pages 60 to 61 of the paper book filed on 9/2/2022. It was clearly specified that the sources were available for the sum of Rs. 10 lakhs which was not disputed and the only dispute was that while

the repayment was made the earlier stamp receipt was not cancelled.

6.1 Having regard to the total disclosure of about Rs. 4 Crs. in the Group cases, the assessee stated that the Learned Assessing Officer ought to have accepted the repayment of the paltry sum of Rs. 10 lakhs ought not to have been assessed. The undisclosed income admitted at Rs. 4,00,75,000/- was disclosed in the hands of Gunti Prasad (individual), Gunti Prasad HUF, Gunti Anil Kumar (Individual and HUF), Gunti Navin Kumar (Individual and HUF), Gunti Ashwin Kumar (Individual and HUF) and Smt. G. Usharani and the amounts of disclosure under each family member is available at page 3 of the assessment order. Therefore, the appellant prayed that the addition of Rs. 10 lakhs may kindly be deleted.

7. The Id. DR, on the other hand, besides relying on the orders of revenue authorities, submitted that the assessee has not furnished any evidences in this regard. He submitted that had the assessee received back the cash, the stamp receipt found during the course of search and seizure proceedings would have been cancelled which was not the case. The same was made part of the seizure and during the course of the search and seizure proceedings the assessee was also recorded a sworn in statement who deposed and admitted that this sum of Rs. 10 lakhs will be offered to tax

for the AY 2011-12. The contentions of the assessee are therefore not acceptable. Further, he submitted that as seen from the issues that were delayed with respect to offer of undisclosed income, this issue has not figured out in the additional income admitted at Rs. 4,00,75,000/- and such undisclosed income of Rs. 10 lakhs need to be brought to tax and accordingly, the same was brought to tax rightly by the AO.

8. We have considered the rival submissions and perused the material on record as well as gone through the orders of revenue authorities. It is observed that during the course of search conducted u/s 132 of the Act, an incriminating document in the form of original stamp document dated 13/07/2010 was found and seized vide page No. 40 of Annexure A/GP/-1 indicating an amount of Rs. 10,00,000/- was lent by the assessee to Sri V. Janardhan Reddy and Sri K. Rukma Reddy as loan. When the assessee was asked to explain the sources for the said amount advanced and also whether the said transaction was reflected in the books of account, he stated that the said transaction was not recorded in his books of account. In the statement recorded u/s 131 of the Act, the assessee admitted the said amount of Rs. 10,00,000/- as undisclosed income since he was not able to explain the source of the said amount. Though the assessee relied on the cash flow statement filed in the paper book filed, the source was not

explained to the satisfaction of the AO and even before us. The cash flow only shows the source of cash. The AO asked the assessee to prove the source of Rs. 10,00,000/-, but, the assessee failed to substantiate the source of Rs. 10 lakhs with any documentary evidence before the AO and even before us. Therefore, we uphold the order of the CIT(A) in confirming the addition of Rs. 10,00,000/- made by the AO as undisclosed income. Accordingly, the grounds raised by the assessee on this issue are dismissed.

9. In the result, appeal of the assessee is dismissed in above terms.

ITA Nos. 2360, 2363, 2364 & 2365/Hyd/2018

10. In all these appeals, the issue in dispute is against the penalty levied u/s 271(1)(c) of the Act.

11. To dispose of these appeals, we refer to the facts from ITA No. 2360/Hyd/2018 and the decision taken in this appeal shall mutatis-mutandis apply to all other appeals as well.

12. Briefly the facts are that the assessee filed return of income u/s 139(1) of the Act on 30/03/2010 declaring income of Rs, 4,34,830/-. Search action u/s.132 was carried out in the case of Sri Gunti Prasad on 20-11-2014. Consequent upon of transfer of seized material and relevant documents, the Assessing Officer issued notice u/s.153C of

the I.T. Act requiring the appellant to furnish return of income. In response thereof, the appellant has furnished return of income on 18-12-2015 admitting taxable income of Rs.49,84,830/- and assessment was completed on 28-12-2016 accepting the income of Rs,49,84,830/- returned in the return filed in response to notice u/s 153C of the Act and, in addition to the agricultural Income of Rs. 31,500/-.

12.1 The Assessing Officer initiated proceedings u/s.271(1)(c) of the Act by issuing notice dated 28-12-2016 while finalizing the proceedings u/s.153C of the Act. Thereafter while imposing penalty, the Assessing Officer invoked explanation 5A to Sec.271(1)(c) of the IT Act and levied penalty of Rs.15,50,000/-.

13. When the assessee preferred an appeal before the CIT(A), the CIT(A) after considering the submissions of the assessee, elaborately discussed the issue at length and confirmed the penalty levied by the AO.

14. Aggrieved, the assessee preferred an appeal before the ITAT.

15. Before us, the ld. AR of the assessee contended that the Assessing Officer was not sure under which section the penalty was sought to be levied at the time of initiation of proceedings for levy of penalty. The second contention of

the Id. AR of the assessee is that the Assessing Officer initiated penalty proceedings u/s.271(1)(c) of the Act without invoking explanation 5A to Sec.271(1)(c) of the Act in the penalty notice and levied penalty u/s.271(1)(c) Explanation 5A in a subsequent stage i.e at the time of levy of penalty which is not permissible as per law. The third contention of the Id. AR is that the explanation 5A to Sec.271(1)(c) is not applicable in the case of the assessee as there was no search action was initiated in the case of the appellant u/s.132 of the Act. He further submitted that satisfaction recorded by the AO in the case of the assessee is not in conformity with the law as applicable for the relevant AY. The law has been amended subsequently to the search taken place and, therefore, the law amended before the search will apply in assessee's case.

15.1 Further, in the written submissions filed before the ITAT, the assessee, inter-alia stated that the proceedings u/s 153A apply to a person against whom a search has been initiated and warrant u/s 132 has been executed. In contrast, the proceedings u/s 153C do not require issue of a warrant of search. On the contrary, Explanation 5 & 5A to section 271(1)(c) contemplates the following:

- i) initiation of search and recording of statements.
- ii) issuance of search warrant
- iii) Execution of warrant u/s 132 against the person searched.

15.2 It was stated that the above three basic requirements are absent in a proceeding in the case of "other person". The proceeding u/s 153C is an incidental proceeding against the third person who is not subject to search and therefore the question of making statement u/s 132(4) does not arise. Therefore, under these circumstances, the provisions contained in Explanation 5A to section 271(1)(c) would not apply to proceedings u/s 153C of the Act.

15.3 Finally, the ld. AR of the assessee submitted that levy of penalty u/s 271(1)(c) read with Explanation 5A is invalid, without jurisdiction, bad in law and must be deleted. He relied on the following case law:

1. *Heval Navinbhai Patel Vs. ITO*, 126 taxmann.com 82 (Gujarat HC)
2. *CBDT Circular No. 549 dated 31/10/1989*, 182 ITR (Statues) 001
3. *Kirit Dahyabhai Patel Vs. ACIT*, 80 Taxmann.com 162 (Gujarat HC)
4. *Pr. CIT Vs. Rajkumar Gulab Badgujar*, 267 Taxman 488 (SC)
5. *Hindustan Steel Ltd. Vs. State of Orissa*, 82 ITR 26, (SC)
6. *Brij Mohan Vs. CIT*, 120 ITR 001, (SC)
7. *B.N. Sharma Vs. CIT*, 226 ITR 442, (SC)
8. *Engineering Impex (P) Ltd. Vs. DD Sharma*, 244 ITR 247 (Delhi HC)
9. *CIT Vs. Onkar Saran & Sons*, 195 ITR 001 (SC)
10. *Pr. CIT Vs. Control & Switchgear Contractors Ltd.*, 377 ITR 215 (Delhi HC)
11. *Vipan Khanna Vs. CIT*, 255 ITR 220 (P&H HC)

16. The ld. DR, on the other relied on the orders of revenue authorities and objecting to the submissions of the ld. AR of the assessee, submitted that since in this case specific document containing incriminating evidence was found in the course of search and undisclosed income arising out of the specific document was accepted by the assessee in the course of search action, the provisions of the explanation 5A to section 271(1) is clearly attracted in this case and the AO is legally correct in levying penalty. He relied on the following cases:

1. Prasanna Dugar, [2015] 59 taxmann.com 99 (Cal.)
2. Smt. Kiran Devi [2009] 125 TTJ 631 (Delhi).

16.1 The ld. DR further submitted that initiation of proceedings u/s 153C is a primary requirement and, thereafter, all other proceedings shall be carried out as per section 153A. In this regard, he referred to the provisions of sections 153C and 153A of the IT Act, 1961. He further submitted that the assessment made u/s 153C and imposing penalty hit by section 271(1)(c) read with explanation 5A is correct.

17. We have considered the rival submissions and perused the material on record as well as gone through the orders of revenue authorities and also the decisions cited by both the counsels. The assessee has filed return of income u/s 139(1) on 30<sup>th</sup> March, 2010 admitting total income of Rs. 4,34,830/-. We observe that search action u/s 132 was carried out on 20/11/2014 in the case of Gunti

Prasad and family and the AO issued notice u/s 153C of the Act requiring the assessee to furnish return of income. In response, the assessee has furnished return of income on 18/12/2015 admitting the total income of Rs. 49,84,830/- including the undisclosed income of Rs. 445,50,000/- quantified by the AO quoted in the assessment order, which was accepted by the AO and no further addition was made by the AO and initiated penalty proceedings u/s Sec.271(1)(c) rws Explanation 5A. For ready reference, we reproduce explanation 5A to section 271(1)(c) as under:

*“Explanation 5A. — Where, in the course of a search initiated under [section 132](#) on or after the 1st day of June, 2007, the assessee is found to be the owner of—*

<i>(i)</i>	<i>any money, bullion, jewellery or other valuable article or thing (hereafter in this Explanation referred to as assets) and the assessee claims that such assets have been acquired by him by utilising (wholly or in part) his income for any previous year; or</i>
<i>(ii)</i>	<i>any income based on any entry in any books of account or other documents or transactions and he claims that such entry in the books of account or other documents or transactions represents his income (wholly or in part) for any previous year, —</i>
<i>which has ended before the date of search and,—</i>	
<i>(a)</i>	<i>where the return of income for such previous year has been furnished before the said date but such income has not been declared therein; or</i>
<i>(b)</i>	<i>the due date<sup>58</sup> for filing the return of income for such previous year has expired but the assessee has not filed the return,</i>

*then, notwithstanding that such income is declared by him in any return of income furnished on or after the date of search, he shall, for the purposes of imposition of a penalty under clause (c) of sub-section (1) of this*

*section, be deemed to have concealed the particulars of his income or furnished inaccurate particulars of such income.]”*

17.1 On perusal of the above section, penalty proceedings are not warranted in the case of the assessee as there was no search action initiated in the case of the appellant u/s.132 of the Act and the AO has accepted the income declared. Moreover, there are no search proceedings in the case of assessee and only consequential proceedings u/s 153C were initiated. Therefore, explanation 5A does not apply. In this connection we rely on the judgment of the Hon’ble High Court of Bombay in the case of Pr. Commissioner of Income Tax v. **RajkumarGulab** Badgujar, [2019] 111 taxmann.com 256 (Bombay HC). For the sake of clarity, complete order is reproduced below:

*“1. The aforesaid appeals arise on common background and concern the same assessee, challenge the judgment of Income-Tax Appellate Tribunal ("the Tribunal" for short). The following questions have been presented for our consideration.*

(a)	<i>Whether on the facts and circumstances of the present case the Tribunal was justified in deleting the penalty of Rs. 4,473/- levied under Section 271(1)(c) of the Income-Tax Act, 1961?</i>
(b)	<i>Whether on the facts of the case and in law, the Tribunal was justified in allowing the relief to the Assessee, ignoring the fact that the Assessee had not filed return of income voluntarily but only the date of search action which amounts to concealment of income with respect to the concerned year i.e. Assessment Year 2006-07?</i>

2. The record would show that search and seizure action was carried out by the Revenue Authorities on Suyojit Group of Nashik on 17th September, 2010. Accordingly, during such search certain incriminating material pertaining to the assessee was found and seized by the Department. The assessee filed return of income for assessment years 2008-09, 2009-10 and 2010-2011 on 7th March 2011. This was done even before the Department issued notice under Section 153C of the Income Tax Act ("the Act" for short) declaring total income of Rs. 60,74,594, Rs. 78,434,31/- and 8,51,910/- respectively. For the remaining two Assessment Years 2005-06 and 2006-07 which would also be within the purview of proceedings under Section 153C of the Act, the Assessee did not file the Returns of Income contending that for the said two Assessment Years the income was below the taxable limit. Subsequently, in response to notice under Section 153C of the Act, the Assessee also filed returns for the said two years declaring total income of Rs. 8,957/- and Rs. 43,857/-.

3. The Assessing Officer completed the assessment under Section 153C of the Act for all the assessment years. Admitted position is, in none of these years any addition was made over and above the declared income. The question of penalty under section 271C of the Act arises in background of such facts.

4. The Tribunal in the impugned judgment held that since there was no addition to the returned income of the assessee, penalty could not have been imposed, particularly, relying on Explanation 5A to Section 271(1)(c) of the Act.

5. Having heard the learned Counsel for the parties and having perused the documents on record, what emerges as an undisputed position is that the Assessee had filed returns of income for three assessment years even before the notice under Section 153C of the Act was issued. For remaining two years the Assessee contended that no such return was required to be filed since his income did not exceed the taxable limit. This later

*assertion of the Assessee also was found to be true and correct since the Assessing Officer accepted the Assessee's declaration of meager income of Rs. 18,957/- and Rs. 43,857/-respectively for the said two assessment years 2005-06 and 2006-07.*

*6. In view of such facts, we find no error in the Tribunal holding that the penalty could not have been imposed. There was no question of the Assessee not declaring the income of the particulars of the income so as to invite penalty under Section 271C of the Act. The three returns had been filed even before issuance of notice under Section 153C of the Act and in other two cases as accepted by the Assessing Officer the Assessee had no taxable income. When there was no addition to the declared income in any of the years, penalty was correctly deleted by the Tribunal. Explanation 5A below Section 271 of the Act would apply only in case of searched person.*

*7. By virtue of such Explanation it may be open for the Revenue to levy penalty from such a person even in a case where there is no addition to the income declared by the searched person in the return filed pursuant to search. Nevertheless this Section is confined to searched person and cannot be extended to the person other than the searched person.*

*8. In the result, no question of law arises facts common in all. All the aforesaid appeals are dismissed."*

17.2 Against the said order of Bombay High Court, the revenue filed SLP, which was dismissed by the Hon'ble Supreme Court vide the judgment reported in [2019] 111 taxmann.com 257 (SC). The arguments of the ld. DR that even when the assessment made u/s 153C, penalty u/s 271(1)(c) read with explanation 5A can be imposed in the case of the assessee, cannot be acceptable for the reason that the Hon'ble Bombay High court has clearly laid down

the ratio in respect of section 271(1)(c) Explanation 5A, when the same will be applied as quoted supra. Therefore, respectfully following the above judgment of the Hon'ble Supreme Court, we direct the AO to delete the penalty levied u/s 271(1)(c) Explanation 5A. Accordingly, the grounds raised by the assessee on this are allowed.

18. In the result, appeal of the assessee is allowed.

19. As the facts and ground are similar in all other appeals in ITA Nos. 2363, 2364 & 2365/Hyd/2018 to that of ITA No. 2360/Hyd/2018, following the decision therein, we delete the penalty levied u/s 271(1)(c) in all these appeals.

ITA Nos. 2361/Hyd/2018 in the case of Gunti Prasad

20. In the penalty order, the AO observed that in the case on hand, though the assessee has got more income, he filed return of income knitting less income than the real income. Only when a search is conducted and evidence is und that the assessee made investments which are not disclosed, he came forward and filed a return admitting additional income of Rs, 30,25,000/-. But for the search conducted, this additional income would not have been offered to taxation. What else is required to prove the intention of the assessee and concealment. Had his intention been not to

conceal the above mentioned income, he would have filed the return of income disclosing full investments and other incomes offered during the course of search proceedings. Since, the additional income is offered only during the course of search proceedings and only after confronting the search material, the case squarely falls under the provisions of sec. 271(1)(c) explanation 5A. As such, the additional income admitted in the return of income is deemed to have been concealed.

20.1 The AO further observed that the additional income offered is on account of confronting the assessee with the material seized during the course of search and seizure operations. During the search operation, a cash receipt of Rs, 1,01,00,000/- is unearthed and marked as page no. 42 of Annexure A/GP/01. When questioned about the sources these payments, the assessee had stated that the payment is unaccounted and accordingly admitted in the hands of himself and other family members. Thus, the case squarely falls under the provisions of sec. 271 (1 )(c) explanation 5A which was s made applicable with retrospective effect from 01.06.2007. In view of the above observations, the AO levied a minimum penalty of Rs. 10,20,000/- u/s 271(1)(c) explanation 5A.

21. When the assessee preferred an appeal before the CIT(A), the CIT(A) confirmed the penalty levied by the AO.

22. We have considered the rival submissions and perused the material on record as well as gone through the orders of revenue authorities and also the decisions cited by both the counsels. The AO levied penalty u/s 271(1)(c) by observing as under:

*“In the case on hand, though the assessee has got more income, he filed return of income knitting less income than the real income. Only when a search is conducted and evidence is und that the assessee made investments which are not disclosed, he came forward and filed a return admitting additional income of Rs, 45,50,000/-. But for the search conducted, this additional income would not have been offered to taxation. What else is required to prove the intention of the assessee and concealment. Had his intention been not to conceal the above mentioned income, he would have filed the return of income disclosing full investments and other incomes offered during the course of search proceedings. Since, the additional income is offered only during the course of search proceedings and only after confronting the search material, the case squarely falls under the provisions of sec. 271(1)(c) explanation 5A. As such, the additional income admitted in the return of income is deemed to have been concealed.”*

22.1 As observed by the AO in the penalty order as above, there was a specific material vide page No. 42 of Annexure A/GP/01, which has been referred and used against the assessee and, therefore the provisions of section 271(1)(c) explanation 5A are squarely applicable to the case of the assessee as there was a specific material found in the course of search in respect of the assessee. On perusal of

the assessment order, originally assessee has filed return of income u/s 139(1) of the Act on 28<sup>th</sup> January, 2010 admitting total income of Rs. 2,55,051/-. In pursuance of notice issued u/s 153A, the assessee filed return of income on 30/10/2015 admitting taxable income at Rs. 32,72,800/- including the undisclosed income of Rs. 30,25,000/- as additional income, to which the AO has accepted. The arguments advanced by the assessee are that the AO has not made any further addition and accepted the return and, therefore, no penalty can be levied. This argument of the Id. AR of the assessee is not acceptable as per section 271(1) (c) Explanation 5A as held by the Hon'ble Bombay High Court cited supra vide para No. 6 & 7, which are as under:

*“6. .... Explanation 5A below Section 271 of the Act would apply only in case of searched person.*

*7. By virtue of such Explanation it may be open for the Revenue to levy penalty from such a person even in a case where there is no addition to the income declared by the searched person in the return filed pursuant to search. Nevertheless this Section is confined to searched person and cannot be extended to the person other than the searched person.”*

22.2 Rejecting the other arguments made by the Id. AR of the assessee as well as case law quoted by the assessee, we hold that the ratio laid down by the Hon'ble Bombay High Court as above are clearly applicable to the facts of the case of the assessee and, therefore, respectfully following the

said judgment of the Hon'ble Bombay High Court, we do not find any infirmity in the order of the CIT(A) in confirming the penalty levied u/ 271(1)(c) explanation 5A by the AO and accordingly, upholding the order of CIT(A), we dismiss the grounds raised by the assessee on this issue.

23. In the result, appeal of the assessee is dismissed.

24. In the result, appeal in ITA No. 2361 & 2362/Hyd/2018 are dismissed and the appeals in ITA Nos. 2360, 2363, 2364 & 2365/Hyd/2018 are allowed in above terms. A copy of this common order be placed in the respective case files.

Pronounced in the open court on 17<sup>th</sup> March, 2022.

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

**Sd/-**  
**(L.P. SAHU)**  
**ACCOUNTANT MEMBER**

Hyderabad, Dated: 17<sup>th</sup> March, 2022

*Kv*

Copy to :

1	<i>Shri Gunti Prasad</i>
2	<i>Shri Gunti Prasad (HUF)</i>
3	<i>Gunti Anil Kumar, Hyd.</i>
4	<i>Gunti Naveen Kumar, Hyd.</i>
5	<i>Gunti Ashwin Kumar, Hyd.</i> <i>No. 17-2-1100, Rein Bazar, Yakutpura,</i> <i>Hyderabad - 500 023</i>
5	<i>ITO, Ward - 9(2), Hyderabad.</i>
3	<i>CIT(A) - 7, Hyderabad.</i>
4	<i>Pr. CIT - 7, Hyderabad</i>
5	<i>ITAT, DR, Hyderabad.</i>
6	<i>Guard File.</i>

S.No.	Details	Date
1	Draft dictated on	
2	Draft placed before author	
3	Draft proposed & placed before the Second Member	
4	Draft discussed/approved by Second Member	
5	Approved Draft comes to the Sr. PS/PS	
6	Kept for pronouncement	
7	File sent to Bench Clerk	
8	Date on which the file goes to Head Clerk	
9	Date on which file goes to A.R.	
10	Date of Dispatch of order	