

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' 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.2764/Chny/2018
निर्धारण वर्ष/Assessment Year: 2011-12

Smt. Krishna Bakhtavachalu,
No. 2C, 2nd Floor, Ashiana Apartments,
79, Second Street, Kilpauk,
Chennai 600 010.
[PAN:AHDPK5646A]

Vs. The Deputy Commissioner of
Income Tax,
Non Corporate Circle 10(1)
No. 121, Mahatma Gandhi Road,
Chennai 600 034.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri I. Dinesh, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri M. Rajan, CIT
सुनवाई की तारीख/ Date of hearing : 28.03.2022
घोषणा की तारीख /Date of Pronouncement : 12.04.2022

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)-12, Chennai dated 23.07.2018 relevant to the assessment year 2011-12.

2. Brief facts of the case are that the assessee filed her return of income for the assessment year 2011-12 declaring total income of ₹.76,95,160/-. The return was not e-filed. It was filed vide letter dated Nil. The case was reopened under section 147 of the Income Tax Act,

1961 [“Act” in short] and notice under section 148 of the Act dated 22.07.2013 was issued and duly served on the assessee. Despite various opportunities given, the assessee has not complied with any of the notices/summons. Therefore, the Assessing Officer completed best judgement assessment under section 144 r.w.s. 147 of the Act dated 30.03.2015 by assessing total income at ₹.23,40,59,507/-. On appeal, the Id. CIT(A) dismissed the appeal filed by the assessee.

4. On being aggrieved, the assessee is in appeal before the Tribunal. The Id. Counsel for the assessee has prayed for one more opportunity of being heard to the assessee to substantiate her case before the Id. CIT(A).

5. On the other hand, the Id. DR has seriously objected to the submissions of the Id. Counsel and also submitted that the assessee has not brought on record any details relating to the transactions.

6. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. On perusal of the assessee’s bank statement, the Assessing Officer has noted that there are huge cash deposits on various dates in the bank account of

the assessee amounting to ₹.23,40,59,507/-. It was also noticed from the bank statement that 99% of the cash deposits are immediately followed by transfer to one M/s. Film Fabricators. It was further noted that the address of the bank account statement and the introducer of the assessee to the bank M/s. Film Fabricators [Sole Proprietorship concern of one Shri S. Mahendra Kumar Jain] are same as the address of Film Fabricators which is No. 5, Kesava Iyer Street, Chennai 600 003. Therefore, the Assessing Officer noted that the assessee is not engaged in any business and the income of the assessee is the cash deposits which can at best be treated as income from other sources and accordingly brought to tax.

6.1 On appeal before the Id. CIT(A), despite various opportunities given, neither the assessee appeared nor filed any written submission and hence, the Id. CIT(A) proceeded to decide the appeal on merits on the basis of materials available on record. From the records, the Id. CIT(A) has noticed that the assessee in her covering letter enclosing the return of income stated that the maximum peak credit was applied by her for arriving at the returned income of ₹.71,00,000/-. Before the Id. CIT(A), the assessee has not offered any explanation about the

transactions in her bank account. Until and unless the assessee owns up all the cash credits in the books of account, the benefit of peak credit cannot be extended. The assessee has not offered any source for the transactions. The amounts have been transferred to another account and the addresses of the transferor and the transferee are same. The amount is not one in the nature of 'squared off account' or 'squared up transactions'. Therefore, on merits, the Id. CIT(A) has held that peak credit principle cannot be applied in the case of the assessee and by following various decisions cited in his order, the Id. CIT(A) confirmed the assessment of ₹.23,40,59,507/- made by the Assessing Officer in the assessment order.

6.2 Before the Tribunal, the assessee has not at all furnished any explanation relating to the source for the transactions in her bank account and thus, considering the entirety of facts and circumstances, we are of the opinion that the Id. CIT(A) has correctly decided the issue on merits no interference is warranted in the absence of any explanation relating to the bank transactions was brought on record.

6.3 So far as the plea of the Id. Counsel for the assessee is concerned, the assessee, neither filed any explanation about the

transaction either before the Assessing Officer or before the Id. CIT(A) or even before the Tribunal. Without filing any details, the Id. Counsel, requesting to remit the matter back to the file of the Id. CIT(A) is a strange request. We are of the opinion that, prima facie, the assessee is not having any details and if at all the assessee wants to file some details, she should have been filed the details before the Id. CIT(A). Thus, the prayer of the Id. Counsel for remitting the matter is of no merits and accordingly rejected.

7. In the result, the appeal filed by the assessee is dismissed.

Order pronounced on 12th April, 2022 at Chennai.

Sd/-
(G. MANJUNATHA)
ACCOUNTANT MEMBER

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 12.04.2022

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.