

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "F" NEW DELHI**

**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER
AND
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No.6844/Del/2018

(निर्धारण वर्ष / Assessment Year : 2015-16)

Rahul Sharma C/o SSAR & Associates, CA, 4852/24, 1 st Floor, Near Sanjivani Hospital, Ansari Road, Darya Ganj, New Delhi-110002	बनाम/ Vs.	ITO Ward- 32 (2) New Delhi
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. ACTPS9328Q		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से /Appellant by :	None
प्रत्यर्थी की ओर से / Respondent by :	Sh. Shyam Manohar Singh, SR. DR

सुनवाई की तारीख / Date of Hearing	04.05.2022
घोषणा की तारीख /Date of Pronouncement	04.05.2022

आदेश/O R D E R

PER PRADIP KUMAR KEDIA, AM:

The captioned appeal has been filed at the instance of the assessee against the order of the Commissioner of Income Tax (Appeals)-11, New Delhi ('CIT(A)' in short), dated 28.08.2018 concerning AY 2015-16.

2. When the matter was called for hearing, none appeared for the assessee. It is seen from the appeal records that several opportunities have been given to the assessee to defend its case but without any avail. Accordingly, we are constrained to proceed *ex parte* in the absence of the assessee.

3. On perusal of the first appellate order it is observed that the assessee has failed to appear before the CIT(A) and the matter was proceeded *ex parte*.

4. The CIT(A) has dealt with the grounds raised in the assessee's appeal as under :-

"5. Even on merits, a perusal of the assessment order shows that the brief facts of the case are that the appellant had filed the Return of Income showing total income of Rs. 3,27,200/- along with agricultural income of Rs.33,82,600/-. The appellant is engaged in the business of providing consultancy services. The case was selected for scrutiny for verification of the large agricultural income and large investment in property. It was observed by the AO that the appellant has purchased a property in the joint name with his wife vide sale deed dated for a sale consideration of Rs. 5.90 crores on which stamp duty of Rs. 29,50,000/- has been paid. Thus, the total investment made by the appellant amounts to Rs. 6,19,50,000/-. The AO has also observed that the wife of the appellant is not having any source of income except the rental income being shown from the property acquired during the year from the funds of the appellant. The AO called for the details of the agricultural income and the source of investment made in the property. It was submitted by the appellant that he had taken a loan of Rs. 2 crores from IIFL for purchase of property. For the balance amount, the appellant gave some details of

loans taken by him to explain the source but the same were not supported by proper evidence to establish the creditworthiness of the parties from whom loans were claimed to be taken and to prove the genuineness of the transaction. As the appellant failed to provide satisfactory explanation for the balance amount of Rs. 4,19,50,000/-, the AO has treated the same as unexplained and has made the addition, During the course of appellate proceedings also, the appellant has not filed any explanation to prove the source of the amount of Rs.4,19,50,000/-. The appellant has also failed to file any reply in respect of the grounds of appeal taken by him. As a result of this, I don't find any reason to interfere with the AO's order and therefore, the addition made by the AO is confirmed.

5.1 The AO had also asked the appellant to furnish the details of agricultural income shown by him. From the details furnished by the appellant, the AO observed that the appellant is having two plots of land each measuring 0.634 hectare. The AO also observed that the appellant has not shown any agricultural incomes in earlier years. From the Gidawari furnished before the AO, it was observed that wheat and vegetables were produced on land of less than 2 acres. No details of sale of agricultural produce was furnished. The AO used the data of Economic Survey 2015 and estimated that the total receipts from the agricultural activities on the entire land claimed by the appellant to be belonging to him or taken on lease, cannot exceed Rs. 5 lakhs. After considering reasonable expenses of Rs. 2 lakhs, the AO has estimated the agricultural income which can be earned by the appellant at Rs. 3 lakhs (as against a sum of Rs. 33,82,600/- claimed by the appellant). In view of this, the AO has treated the

balance amount of Rs. 30,82,600/- as income of the appellant from undisclosed sources. During the course of appellate proceedings also, the appellant has not filed any explanation to prove the genuineness of the agricultural income shown by him. The appellant has also failed to file any reply in respect of the grounds of appeal taken by him. It is also observed that the AO has considered all the relevant facts and has taken a liberal approach by estimating the agricultural income which can be earned by the appellant at Rs. 3 lakhs (as against a sum of Rs. 33,82,600/- claimed by the appellant) despite the fact that the appellant has not furnished any evidence regarding the sale of produce etc. As a result of this, I don't find any reason to interfere with the AO's order and therefore, the addition made by the AO is confirmed and the grounds of appeal are dismissed

6. As a result, the appeal is dismissed.”

5. The CIT(A) has addressed the issues involved on the basis of material available on record. In absence of any rebuttal from the assessee with some cogent material, we do not see any reason to interfere with the order of the CIT(A).

6. In the result, the appeal of the assessee is dismissed *ex parte*.

Order pronounced in the open court on 04/05/2022

Sd/-
(SAKTIJIT DEY)
JUDICIAL MEMBER
Dated:04/05/2022
*Neha, Sr. Private Secretary

Sd/-
(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI