

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC", MUMBAI

BEFORE SHRI PRASHANT MAHARSHI (ACCOUNTANT MEMBER) &
KAVITHA RAJAGOPAL (JUDICIAL MEMBER)

ITA No. 13/MUM/2022 (A.Y.2016-17)

Shri Devendra Chandrakant Patil Flat No.2501, 15 th Floor Shree Heights, Sector-15 Ghansoli-400 701 PAN : AMUPP2810P	vs	ITO, Ward-28(1)(3), Mumbai
APPELLANT		RESPONDENT

Assessee represented by	Shri Neeraj Mangala
Department represented by	Shri Himanshu Sharma

Date of hearing	25/05/2022
Date of pronouncement	30/05/2022

ORDER

Per Kavitha Rajagopal (JM):

This appeal is filed by the Assessee against the order of Ld.CIT(A), National Faceless Appeal Centre (NFAC), Delhi dated 13/11/2021 for the Assessment year 2016-17. The grounds of appeal raised by the Assessee are as under:-

- "1. That the ex-parte appellate order passed by Ld. CIT(A) is not tenable under the law because the grounds of appeal were not adjudicated while disposing the appeal.*
- 2. That the addition of Rs. 10,00,000 - made by Ld. AO and confirmed by Ld. CIT(A) is not tenable under the law because the investment in purchase of property was made by disclosed and verifiable sources, /*
- 3. Thai the addition of Rs. 10,00,000."- made by Ld. AO and confirmed by Ld. CiT(A) is also not I tenable under the law because the new property was*

jointly acquired by appellant and his wife and thus, entire additions cannot be made in the case of the appellant.

4. That the Ld. AO grossly erred in facts of the case in computing tax liability on total income of Rs. 20,20,710/- against the assessed income of Rs. 10,20,710/- and the Ld. CIT(A) erred in not adjudicating this ground of appeal.”

2. The brief facts are that Assessee filed its return of income on 25/02/2017 declaring total income at Rs.20,20,710/- and Assessee's case was selected for limited scrutiny assessment under CASS. Notices were duly served upon the Assessee. It is noted from the records that the Assessee has not complied with the notices by not providing the details that was required by the Assessing Officer as well as the Ld.CIT(A). The Assessee has received income from partnership firm and also from other sources. It was alleged that the Assessee had purchased a house property for Rs.70,00,000/- jointly with his wife and after selling an existing property belonging to the Assessee and his wife for a sale consideration of R.60,00,000/-, wherein assessee failed to declare the source for the differential amount of Rs.10,00,000/-. Having said that, the Assessing Officer made addition of the impugned amount of Rs.10,00,000/- as unexplained investment under section 69 of the Act. The Assessee was in appeal against the addition made by the Assessing Officer before the CIT(A), who confirmed the order of the Assessing Officer.

3. Aggrieved by the said order, the Assessee is in appeal before us. The Ld.AR made a representation before us that the Assessee had availed housing loan for the balance sale consideration from TATA Capital Housing Finance Ltd and was unable to furnish details of the same before the lower authorities. Now that the Assessee has produced the same before us, the Ld.AR

represented that the matter may be remanded back to the Assessing Officer for considering the issue in the light of the additional evidence produced by the Assessee. We are of the view that Rule 29 of the Income-tax (Appellate Tribunal) Rules, 1962, permit furnishing of such additional evidence and on perusal of the same, the Assessee shall be given an opportunity to adduce the additional evidence before the Assessing Officer. The Ld.DR had also not objected to the same.

4. In view of the above observation, the matter is remanded back to the Assessing Officer.

5. In the result, appeal is allowed, for statistical purpose.

Order pronounced in the open Court on 30th May, 2022.

Sd/-

sd/-

(PRASHANT MAHARSHI)	(KAVITHA RAJAGOPAL)
ACCOUNTANT MEMBER	JUDICIAL MEMBER

Mumbai, Dated: 30/05/2022

Pavanan

Copy of the Order forwarded to :

1. The Appellant ,
2. The Respondent.
3. The CIT(A)-
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

//True Copy//

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai