

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH, CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री गिरीश अग्रवाल, लेखा सदस्य के समक्ष
BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT AND
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.: **965/CHNY/2019**
निर्धारण वर्ष /Assessment Year: 2010-11

**M/s. Kumaralayam Properties
(P) Ltd.,**
No. 41/2B, 2nd Floor, Royal Court
Venkatanarayana Road,
Chennai – 600 017.

**Deputy Commissioner of
Income Tax,**
v. Central Circle 3(2),
Chennai.

PAN: AACCK-4608-F
(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by
प्रत्यर्थी की ओर से/Respondent by

: Shri. K. Meenakshi Sundaram, ITP
: Shri AR V Sreenivasan, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 24.05.2022

घोषणा की तारीख/Date of Pronouncement

: 24.05.2022

आदेश / O R D E R

PER GIRISH AGRAWAL, ACCOUNTANT MEMBER:

This appeal by the assessee is arising out of the order of Commissioner of Income-tax (Appeals) -19, Chennai in ITA No. 436/17-18 dated 25.02.2019 against the order of ACIT, Central Circle 3(2), Chennai passed u/s. 147 r.w.s. 143(3) of the Income-tax Act, 1961 (herein after referred to as "the Act") dated 29.12.2017.

2. The assessee has taken several grounds of appeal on law and facts which essentially relate to challenging the validity of reopening of assessment u/s. 147 of the Act, addition made in respect of deposit of cash in banks of Rs. 36,56,000/- treated as unexplained credits u/s. 68 of the Act, addition of Rs. 16,20,500/- towards sundry creditors by treating them as unexplained credits u/s. 68 of the Act and Rs. 31,00,000/- in respect of unsecured loans.

3. The brief facts of the case are that the assessee filed its return of income on 31.03.2012 reporting a total income of Rs. 2,91,580/-. In the course of assessment proceedings, Ld. AO noted that assessee holds bank accounts in various banks and tabulated the details of cash in the bank accounts of the assessee with Corporation Bank, T.Nagar, Chennai. There were further deposits in other banks of HDFC Bank which were also tabulated by the Ld. AO. Ld. AO sought details in support of source of income with the deposits of cash made in the bank accounts of the assessee. The Ld. AO further sought details in respect of unsecured loans of Rs. 31,00,000/-. In the course of assessment, Ld. AO compared the balance of sundry creditors of the current year with the preceding year and considered the difference of Rs. 16,20,500/-, for the purpose of making addition asking the assessee to furnish the details in this regard. Ld. AO, proceeded to complete the assessment by making the addition of Rs. 36,56,000/- in

respect of deposit of cash in bank accounts, unsecured loan of Rs. 31,00,000/- and sundry creditors of Rs. 16,20,000/-. Aggrieved, the assessee went into appeal before the Id. CIT(A). The Ld. CIT(A) dismissed the appeal of the assessee. Aggrieved, the assessee is in appeal before the Tribunal.

4. At the outset, Ld. Counsel of the assessee Shri. K. Meenakshi Sundaram, ITP, prayed and requested the bench for remitting the matter back to the file of the Ld. AO by making an assurance that all the details and records shall be furnished for proper verification and examination in respect of the claims made by the assessee, since reasonable opportunity was not given. This submissions of the Id. Counsel was confronted to the Ld. Sr. DR who did not controvert the same.

5. We have heard the contentions of both the parties and perused the material on record. From the perusal of the order of the Ld. CIT(A), we note that he has observed that appellant has not produced the books of accounts and has not offered proper explanation. In the light of the fact that assessee could not produce books of accounts and detailed explanation in respect of the additions made by Id. AO, Ld. CIT(A) has confirmed the addition and has dismissed the appeal.

6. In the interest of justice, fair play and good conscience and also considering the prayer made by the Ld. Counsel along with assurance given before us of making all the submissions as and when required before the Id. AO if the matter is remitted back to the file of the AO, we find it proper to consider the prayer so made and remit the matter back to the file of the Ld. AO for fresh adjudication in the light of assurance given by the Ld. Counsel of making all the compliances as and when called by the Ld. AO. We direct the assessee to comply with all the requirements as and when called by Ld AO and be diligent in making all its submissions including any additional evidences required to be furnished in support of the claims made by the assessee. We also direct the Ld. AO to consider the submissions made by the assessee meritoriously and pass a speaking order. Accordingly, the appeal of the assessee is allowed for statistical purposes.

Order pronounced on 24th May, 2022 at Chennai.

Sd/-

(महावीर सिंह)

(MAHAVIR SINGH)

उपाध्यक्ष /VICE PRESIDENT

Sd/-

(गिरीश अग्रवाल)

(GIRISH AGRAWAL)

लेखा सदस्य /ACCOUNTANT MEMBER

चेन्नई/Chennai,

दिनांक/Dated, the 24th May, 2022

JPV

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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|------------------------|--------------------------|------------------------------|
| 1. अपीलार्थी/Appellant | 2. प्रत्यर्थी/Respondent | 3. आयकर आयुक्त (अपील)/CIT(A) |
| 4. आयकर आयुक्त /CIT | 5. विभागीय प्रतिनिधि/DR | 6. गार्ड फाईल/GF. |