

**आयकर अपीलीय अधिकरण “ए” न्यायपीठ पुणे में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“A” BENCH, PUNE**

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER**  
**AND DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER**

**आयकरअपीलसं. / ITA No.268/PUN/2020**  
**निर्धारणवर्ष /Assessment Year: 2014-15**

Anil Malleshappa Gore, 39, hotgi Road, Vikas Nagar, Solapur – 413003. PAN: AFRPG 9615 H	Vs	The Income Tax Officer, Ward-1(1), Solapur.
Appellant/ Assessee		Respondent/ Revenue

Assessee by	None.
Revenue by	Shri Arvind Desai – DR
Date of hearing	16/06/2022
Date of pronouncement	23/06/2022

**आदेश/ ORDER**

**PER DR.DIPAK P.RIPOTE, AM:**

This appeal filed by the Assessee is directed against the order of Id.Commissioner of Income-tax(Appeals)-7, Pune’s, order dated 29.11.2019 for the Assessment Year 2014-15, involving proceedings under section 143(3) of the Income Tax Act, 1961. The Assessee has raised the following grounds of appeal:

- “1. *Addition of Rs.9,60,697 made u/s.41(1) by the Assessing Officer, and confirmed by the Commissioner of Income Tax (Appeals) 7 Pune, is unjust.*
2. *Addition of Rs.53,69,020 made on account of profit on sale of the property by the Assessing Officer, and confirmed by the*

*Commissioner of Income Tax (Appeals) 7, Pune is not justified.”*

2. Case called twice. None appeared on-behalf of the appellant assessee. Hence, this appeal is decided Ex-Party. We have studied the orders of the lower authority, heard the Ld.Departmental Representative(ld.DR) for the Revenue. In this case, the Return of Income(RoI) was E-filed on 31/03/2015 declaring income of Rs.2,65,430/-. As per the assessment order the assessee is Builder and land developer. During the assessment proceedings the assessing officer issued letters under section 133(6) of the Act, to certain creditors appearing in the list of creditors submitted by the assessee. Those persons filed reply. It was observed by the Assessing Officer(AO) that there was difference in the amount appearing as outstanding in those persons books vis-à-vis amount shown by assessee in his books. The AO confronted these facts to the assessee. The AR of the assessee stated during the assessment proceedings that he has no objection if the difference in the amount which is Rs.9,60,697/- is added u/s.41(1) of the Act. Accordingly, the AO made addition of Rs.9,60,697/-. The AO also observed that there was transaction of Rs.92,00,000/- appearing in the AIR information received by the AO regarding assessee. The AO asked assessee to explain it. Assessee submitted that to avoid litigation he voluntarily offer long term capital gain. However, the AO observed that

assessee has shown the impugned asset in his balance sheet as current asset and not as investment. Hence, the AO added Rs.53,69,020/- (Sale consideration Rs.92,00,000/- less cost as per balance sheet Rs.38,30,980/-) as business income.

3. The assessee filed appeal before the Id.Commissioner of Income Tax(Appeal). The Id.CIT(A) dismissed the appeal as assessee failed to appear before the Id.CIT(A) and failed to file any submission.

4. Aggrieved by the order of the Id.CIT(A), the assessee filed appeal before this Tribunal. Even no one appeared before us during the hearing. However, in the interest of substantial justice, we set aside the case to Id.Commissioner of Income Tax(Appeal). The Id.CIT(A) shall grant opportunity of hearing to the assessee. The assessee shall file all the necessary documents/evidence before the Id.CIT(A).

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

Order pronounced in the open Court on 23<sup>rd</sup> June, 2022.

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

**Sd/-**  
**(DR. DIPAK P. RIPOTE)**  
**ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक / Dated : 23<sup>rd</sup> June, 2022/ SGR\*

**आदेशकीप्रतिलिपिअग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A), concerned.
4. The Pr. CIT, concerned.
5. विभागीयप्रतिनिधि, आयकर अपीलीय अधिकरण, "ए" बेंच,  
पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

Senior Private Secretary  
आयकरअपीलीयअधिकरण, पुणे/ITAT, Pune.