

**IN THE INCOME TAX APPELLATE TRIBUNAL, PUNE
SINGLE MEMBER CASE**

SHRI S.S. GODARA, JUDICIAL MEMBER

ITA No. 1571/PUN/2018: Assessment Year : 2013-14

Vishnu S. Katkar
Prop. of Renukar Krushi Sewa Kendra
At Post Bazar Sawangi, Tal. Khultabad,
Dist. Aurangabad
PAN: ALXPK2831K :Appellant

Vs.

The I.T.O. Ward 1(4) Aurangabad : Respondent

Appellant by : Smt. Deepa Khare
Respondent by : Shri M.G. Jasnani
Date of Hearing : 29-07-2022
Date of Pronouncement : 11-08-2022

ORDER

This assessee's appeal for A.Y. 2013-14 arises against the CIT(A)-1, Pune's order dated 12-06-2018 passed in case No. ABD/CIT(A)-332/22015-16 involving proceedings u/s 143(3) of the Income-tax Act, 1961, in short "the Act".

2. The assessee raises following substantial grounds in the instant appeal.

"Assessee received Rs. 400000.00 from mother for advance booking of seed business. Mother is uneducated is aged senior citizen & not accustomed to the banking transactions. Mother acknowledged the payment through affidavit which is not accepted by the learned A.O & not considered by the honorable Commissioner.

Similarly the amount of Rs. 400000.00 received by the assessee/ spouse Smt. Vimlabai Katkar spouse has given affidavit which is not accepted & not considered by the honorable Commissioner. Further elder brother Shri Karbhari Katkar also gave Rs. 200000.00 on 09.06.2012 & Rs. 100000.00 on 22.12.12 who is agriculturist. 7/12 abstract & affidavit also not considered & not accepted.

All the amount received in cash from the family members of the assessee in order to helping for carrying on the business. At the time of peak season of harvesting. Since certificate u/s 80U not got renewed. As such not attached. However the claim was genuine. Further not considered circumstances & relation of family members, exigencies of requirement & the explanation submitted by the assessee.

The cases cited by the learned commissioner of the appeal not relevant to case & not applicable because of affidavit & other proof & explanations.

Assessee craves the right to add alter or submit additional grounds or evidences during the proceedings.

Heard both the parties. Case file perused.

3. The assessee's sole substantive grievance raised in the instant appeal seeks to reverse the learned lower authorities' action treating cash deposit of Rs. 11.00 lakhs as unexplained.

4. Suffice to say, it emerges during the course of hearing with able assistance of both the learned representatives that the impugned sum of Rs. 11.00 lakhs allegedly represents assessee's claim of having received cash of Rs. 4.00 lakhs each from his mother and wife and Rs. 3.00 lakhs from brother Shri Karbhari S. Katkar respectively. He placed on record evidence of documents containing form No. 7/12 extracts showing that they are primarily engaged in agricultural activities thereby deriving exempt agricultural income all along. The fact also remains that neither they nor the assessee has been able to satisfy genuineness/credit worthiness of the impugned sums in its entirety nor the Revenue could dispute that no credit has been given to agricultural income if any, in all these three cases. Faced with this situation, I deem proper to restrict the impugned addition of Rs. 11.00 lakhs to Rs. 6.00 lakhs only with a rider that the estimation shall not be treated as a precedent. The assessee gets relief of Rs. 5.00 lakhs in other words. Necessary computation shall follow as pronounced. Ordered accordingly.

This assessee's appeal is partly allowed in above terms.

Order pronounced in the open Court on this 11th August 2022.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Pune; Dated, this 11th day of August 2022
 Ankam

Copy of the Order forwarded to :

1. The Appellant.
2. The Respondent.
3. The Pr. CIT-1 Aurangabad
4. The CIT(A)-1 Aurangabad
5. The SMC Bench, ITAT Pune.
6. Guard File

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BY ORER
 Sr. Private Secretary

ITAT, Pune.

		Date	
1	Draft dictated on	02-08-2022	Sr.PS
2	Draft placed before author	05-08-2022	Sr.PS
3	Draft proposed and placed before the second Member		JM/AM
4	Draft discussed/approved by second Member		AM/JM
5	Approved draft comes to the Sr. PS/PS		Sr.PS/PS
6	Kept for pronouncement on	11-08-2022	Sr.PS/PS
7	Date of uploading of order	11-08-2022	Sr.PS/PS
8	File sent to Bench Clerk	<i>11-08-2022</i>	Sr.PS/PS
9	Date on which the file goes to the Head Clerk		
10	Date on which file goes to the A.R		
11	Date of dispatch of order		