

IN THE INCOME TAX APPELLATE TRIBUNAL  
MUMBAI BENCH "A", MUMBAI  
BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER AND  
SHRI GAGAN GOYAL, ACCOUNTANT MEMBER  
ITA No. 530/Mum/2020 (A.Y. 2012-13)

Arvind R. Anand,  
Flat No. 15/16, Kuber CHSL,  
Plot No. 141, Sector-17,  
Vashi, Navi Mumbai-400703.

**PAN: AHXPA1480G**

..... Appellant

Vs.

ITO-28(1)(2),  
306, 3<sup>rd</sup> Floor, Tower No.6,  
Vashi Railway Station Complex,  
Vash, Navi Mumbai-400703.

..... Respondent

Appellant by	:	None
Respondent by	:	Sh. Mehul Jain
Date of hearing	:	02/06/2022
Date of pronouncement	:	30/08/2022

ORDER

**PER GAGAN GOYAL, A.M:**

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals)-26, Mumbai [hereinafter referred to as ('Ld. CIT(A)'] dated 06.11.2019 for the Assessment Year (AY) 2012-13. The assessee has raised the following grounds of appeal:

Sr.No.	Grounds of appeal	Tax effect relating to each Ground of appeal.
1.	The learned Commissioner of Income Tax (Appeals) erred in upholding the addition under section 41(1) of the Act.	Rs. 1,17,000/-
2.	The learned Commissioner of Income Tax (Appeals) erred in upholding the addition under section 68 of the Act.	Rs. 101,00,000/-
Total tax effect (see note below)		Rs.33,12,000/-

2. Brief facts of the case are that the assessee filed his return of income on 31.03.2014 under section 139(4) of the Act declaring total income of Rs. 4,61,563/-. The case was selected for scrutiny and notices under section 143(2) and 142(1) of the Act were issued. The assessee is an individual and is engaged in the business of builder and developer.

3. As per assessment order, assessee had undertaken a project which was cancelled due to proposed high tension wire above the site. Amount were received from prospective investors, which appear as a part of advances against booking in the balance sheet and shown as sundry creditors. The assessee has further stated that the said amount was subsequently returned to the investors. The assessee was asked to furnish details of such sundry creditors and subsequent settlements. On going through the details filed, it was soon that from the party Sachin Lad amount of Rs. 1,17,000/- was not returned till date. No other reason /confirmation was provided by the assessee for non settlement of this amount. In view of this, the amount of Rs. 1,17,000/- shown as outstanding sundry creditors as on 31-03-2012 was treated as unverifiable current liabilities not found to be genuine and added to the total income of the assessee u/s 41(1) of the Act as cessation of liabilities. It was seen from the ROI of the assessee that

the assessee has shown to have received unsecured loans to the tune of Rs. 1,01,00,000/- which includes Rs 51,00,000/- from M/s Daddu Fin Lease and Rs. 50,00,000/- from M/s Indesca Commercial. The assessee has not provided any details for these unsecured loans received during the year before the AO In view of the complete lack of evidences. The unsecured loans shown was treated as unexplained cash credits in his hand and therefore added to the total income of the assessee u/s 68 of the Income Tax Act, 1961 and taxed accordingly.

4. It is observed that assessee was not co-operative and despite of ample opportunities had not filed any detail before the AO on the front of amount received under the head unsecured loans from two parties. Resultantly, AO added the same as income of the assessee under section 68 of the Act.

5. In grievance against the order of AO mentioned (supra) assessee preferred an appeal before the Ld. CIT(A)-26, Mumbai. Here also notices for hearing on 11.02.2019, 10.05.2019, 26.08.2019 and 04.11.2019 were issued but no compliance was made by the assessee. On 12.12.2018, 27.12.2018, 06.03.2019, 28.03.2019, 17.06.2019 & 23.07.2019 the case was adjourned. Finally, Ld. CIT(A) decided the matter against the assessee in absence of any explanation/document filed.

6. Against the order of Ld. CIT(A) assessee filed an appeal before us on 22.01.2020. Total nine opportunities were given to assessee. But here also none appeared and attended the case with relevant evidences, explanation/documents.

7. In view of the above, it can be reasonably observed that assessee is not interested in pursuing the matter and can be held that assessee has nothing to say. Resultantly, appeal of the assessee with ground no.1 & 2 are dismissed.

8. In the result, appeal filed by the assessee is dismissed.

Order pronounced in the open court on 30<sup>th</sup> day of August, 2022.

Sd/-

(AMIT SHUKLA)

JUDICIAL MEMBER

Mumbai, दिनांक / Dated: 30/08/2022

SK, Sr.PS

**Copy of the Order forwarded to:**

1. अपीलार्थी / The Appellant ,
2. प्रतिवादी / The Respondent.
3. आयकर आयुक्त (अ) / The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई / DR, ITAT, Mumbai
6. गार्ड फाइल / Guard file.

Sd/-

(GAGAN GOYAL)

ACCOUNTANT MEMBER

BY ORDER,

//True Copy//

(Dy. /Asstt. Registrar)  
ITAT, Mumbai