

**IN THE INCOME TAX APPELLATE TRIBUNAL
AMRITSAR BENCH, AMRITSAR.**

**BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER
AND SH. ANIKESH BANERJEE, JUDICIAL MEMBER**

**I.T.A. No.350/Asr/2018
Assessment Years: 2014-15**

Sh. Sharan Singh Through Legal Heir (Harbhajan Kaur) H.No. 222-B, Opp. Octroi Che Vill. Daburji G.T. Road, Near FaujiKaryana Store, Amritsar. [PAN:-BRJPK1745F] (Appellant)	Vs.	ITO, Ward-4(5), Amritsar. (Respondent)
--	------------	---

Appellant by	None
Respondent by	Sh.RajivWadhera, Sr.DR.

Date of Hearing	10.11.2022
Date of Pronouncement	15.11.2022

ORDER

Per:Anikesh Banerjee, JM:

The instant appeal of the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals)-2, Amritsar, [in brevity the Id. CIT(A)] bearing appeal no.10368/2016-17, date of order 28.03.2018, the order passed u/s 250 (6)of the Income Tax Act 1961, [in brevity the Act] for A.Y. 2014-15. The impugned order was emanated from the order of the Id. Income Tax Officer, Ward-

4(5), Amritsar, (in brevity the AO), order passed u/s 143(3) of the Act, date of order 13.12.2016.

2. Brief fact of the case is that the assessee had deposited cash in Punjab Gramin Bank with the total amount of Rs.73,00,000/-. The assessment was completed, and the addition was made amount of Rs.30,50,000/-. During assessment the ld. AO has accepted the peak credit in the bank account related to deposit of cash amount of Rs.35,50,000/-. The assessee was asked for explanation. As per the assessee the net agricultural income during the year was 51,52,000/- & cash was deposited out of agricultural income. The assessee has possessed the agricultural land of 115 Kanal. But the ld. AO considering the order of the Hon'ble P & H High Court in the case of CIT vs. Jarnail Singh which was confirmed the finding of ITAT, Amritsar Bench in ITA 611/Asr/2011 date of order 11.09.2012 the amount of agricultural income was restricted to Rs.5,00,000/-. So the said income was deducted from peak credit and Rs.30,50,000/- (Rs.35,50,000/- (-) Rs.5,00,000/-) & was added back. Aggrieved assessee filed an appeal before the ld. CIT(A). The ld. CIT(A) had further considered the income from business and profession in relation to sale of milk on retail basis and the income Rs.1,64,000/-

was accepted. The addition was reduced to 28,86,000/- (Rs.30,50,000/- (-) Rs.1,64,000/-). The net addition was restricted up to Rs.28,86,000/-.

3. Aggrieved assessee filed an appeal before us.
4. During the hearing none was present on behalf of the assessee. The matter is taken up with the consent of the ld. Sr. DR for further adjudication.
5. We heard the submission of the revenue and considered the order of both the revenue authorities. The assessee has submitted the explanation before the ld. CIT(a) during proceeding. The entire assessment was completed on basis of the order of Hon'ble P & H High Court which was upheld the observation of the ITAT, Amritsar Bench. But the said case was related to assessment year 2002-03. The assessee had taken the plea that the assessee's income is related to F.Y. 2013-14. So, the financial valuation of crop in agriculture is not similar in respect to the year in which the order of the ITAT, Amritsar is related. In both the revenue authorities in their orders had not taken any proper valuation method to ascertain the income of the assessee from said agricultural land. The ld Sr Dr has not made any strong objection against this issue. Therefore, considering the facts and circumstances of the case, we are inclined to restore the issue to the ld. CIT(A) for de novo adjudication after providing adequate opportunity of being heard to the

assessee. The assessee is also directed to furnish all the evidence/material to justify the claim. Grounds are allowed for statistical purposes

6. In the result, the appeal of the assessee bearing **ITA No. 350/Asr/2018** is allowed for statistical purposes.

Order pronounced in the open court on 15.11.2022

Sd/-

(Dr. M. L. Meena)
Accountant Member

Sd/-

(ANIKESH BANERJEE)
Judicial Member

AKV

Copy of the order forwarded to:

- (1) The Appellant
- (2) The Respondent
- (3) The CIT
- (4) The CIT (Appeals)
- (5) The DR, I.T.A.T.

True Copy
By Order