

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

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.1931/PUN/2018
निर्धारण वर्ष / Assessment Year : 2015-16

M/s. Helios Development,
1, Konark Estates,
Bund Garden Road,
Pune – 411001

PAN : AAGFH6411A

.....अपीलार्थी / Appellant

बनाम / V/s.

Deputy Commissioner of Income Tax,
Circle – 7, Pune

.....प्रत्यर्थी / Respondent

Assessee by : Shri Neelesh Khandelwal
Revenue by : Shri Ramnath P. Murkunde

सुनवाई की तारीख / Date of Hearing : 17-11-2022
घोषणा की तारीख / Date of Pronouncement : 23-11-2022

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the assessee against the order dated 29-08-2018 passed by the Commissioner of Income Tax (Appeals)-5, Pune [‘CIT(A)’] for assessment year 2015-16.

2. The only issue is to be decided is as to whether the CIT(A) justified in confirming the addition made by the AO on account of disallowance of expenditure in the facts and circumstances of the case.

3. Heard both the parties and perused the material available on record. We note that the assessee is a partnership firm and engaged in the business of Promoters, Builders and Developers. The assessee filed its return of income declaring a total income of Rs.41,46,130/-. Under scrutiny, the AO issued notices u/s. 143(2) and 142(1) of the Act to the assessee and determined the total income of the assessee at Rs.63,96,265/-. Aggrieved by the order of AO, the assessee preferred an appeal before the CIT(A) and the CIT(A) has confirmed the order of AO.

4. Before us, the ld. AR Shri Neelesh Khandelwal submits that the AO and CIT(A) disallowed the claim of expenditure for not substantiating the same with evidences. He vehemently argued that the assessee in actual fact incurred the said expenditure to settle the claim with other party on land, to clear encumbrances and a right of access to the road. He submits that the said payments were made through banking channel and argued there is no doubt about the genuineness of the said transaction expressed by the AO and CIT(A). He fairly conceded that the inability of the assessee in furnishing evidences in support of claim. The ld. DR supported the order of CIT(A) and argued no evidences were filed before the CIT(A) and even before this Tribunal. On perusal of paras 4.4 and 4.5 of the impugned order, we note that the CIT(A) confirmed the order of AO for not filing evidences relating to the expenditure as claimed by the assessee. As rightly conceded by the ld. AR that there was no evidences filed before us in support of claim of expenditure incurred in connection with settling the claim with other party on land, for removal of encumbrances and to get right of access to the road. In the absence of which, we find no infirmity in the order of CIT(A). Thus, we agree with the reasons recorded by the CIT(A)

in paras 4.4 and 4.5 of the impugned order and it is justified. Thus, the ground raised by the assessee is dismissed.

5. In the result, the appeal of assessee is dismissed.

Order pronounced in the open court on 23rd November, 2022.

Sd/-
(Inturi Rama Rao)
ACCOUNTANT MEMBER

Sd/-
(S.S. Viswanethra Ravi)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 23rd November, 2022.
रवि

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

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

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune