

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

BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER AND
G.D.PADMAHSHALI, ACCOUNTANT MEMBER

आयकरअपीलसं. / ITA Nos.267 & 268/PUN/2021
निर्धारणवर्ष / Assessment Years: 2011-12 & 2013-14

Chandrakant Ramakant Pise, 1550/A/1, Subhash Nagar, Barshi – 413 401 Maharashtra PAN : ACBPP2477P	Vs	Pr.CIT-4, Pune
Appellant/ Assessee		Respondent /Revenue

Assessee by	Shri Krishna V. Gujarathi
Revenue by	Shri Pankaj Kumar – DR
Date of hearing	29-11-2022
Date of pronouncement	07-12-2022

आदेश/ ORDER

Per S.S.Godara, JM:

These assessee’s twin appeals arise against the Principal Commissioner of Income Tax-4, Pune’s separate orders dated 31-03-2021 and 30-03-2021 in Din & Order Nos. ITBA/REV/F/REV5/2020-21/1032114197(1) and No.ITBA/REV/F/REV5/2020-21/1031970538(1) for A.Yrs.2011-12 & 2013-14; respectively in proceedings u/s.263 of the Income Tax Act, 1961, in short “the Act”.

Heard both the parties. Case files perused.

2. It emerges during the course of hearing that the assessee raises the following identical substantial grounds in both these appeals :

“1. On the facts and the circumstances of the case and in law, the Principal Commissioner of Income Tax, Pune 4 has erred in passing order under section 263 of the Income Tax Act, 1961 without appreciating the fact that the assessment order passed by the Assessing Officer under section 143(3) read with section 147 was neither erroneous nor it was prejudicial to the interests of the Revenue. The appellant requests your honour to kindly drop the proceedings initiated under section 263 of the Income Tax Act, 1961.

2. Without prejudice to the first ground of appeal, on the facts and the circumstances of the case and in law, the Principal Commissioner of Income Tax, Pune 4 has erred in passing the order under section 263 of the Income Tax Act, 1961 without appreciating the fact that there was no lack of proper inquiry and verification as alleged by the Assessing Officer. The appellant requests your honour to kindly drop the proceedings initiated under section 263 of the Income Tax Act, 1961.

3. The appellant hereby reserves the right to add, amend, alter, or raise any additional ground or grounds of appeal or delete or withdraw any of the grounds of appeal.”

3. Relevant facts qua these assessee’s appeals are found to be in a very narrow compass indeed wherein the learned PCIT revision directions terming the Assessing Officer’s corresponding regular re-assessments, both dated 08-12-2017, as erroneous ones causing prejudice to the interest of revenue, on the ground that he had not carried out detailed inquiries regarding the taxpayer’s cash deposits, which were claimed and accepted as representing his agricultural income in both these assessment years. This is what leaves the assessee aggrieved.

4. Learned counsel vehemently argued during the course of hearing that the PCIT herein has erred in law and on facts in setting into motion

his section 263 revision jurisdiction alleging lack of inquiry at the Assessing Officer's end despite the fact that the latter had framed section 143(3) r.w.s.147 re-assessments on the very issue of verification of cash deposits only. Mr. Gujarathi highlighted the fact that this assessee had claimed to have sold his agricultural produce in both these assessment years which was rightly accepted by the Assessing Officer and, therefore, this is certainly not an instance of lack of inquiry or inadequate inquiry, as the case may be, as alleged at the Revenue's behest in light of the PCIT's revision directions.

5. We have given our thoughtful consideration to the foregoing rival contentions and find no merit in assessee's stand. We first of all find that apart from lack of inquiry or erroneous decision taken by the assessing officer concerned attracting section 263 revision jurisdiction; simultaneously, in light of *M/s.Malabar Industrial Company Ltd. Vs. CIT 243 ITR 83 (SC)*, the legislature has also inserted Explanation 2 to section 263 of the Act vide Finance Act, 2015 w.e.f. 01-06-2016 that the foregoing former limb would also include inadequate inquiries as well in light of sub-clauses (a) and (b) thereof. We further make it clear that the learned counsel could not produce any material before us which could indicate Assessing Officer to have reconciled the assessee's claim of impugned cash deposits vis-à-vis cash sales of agricultural produce after examining the corresponding expenses and other relevant details

including the revenue record of the concerned agricultural lands in issue. The assessee has also not placed on record any specific queries raised by the Assessing Officer by way of section 143(2) as well as 142(1) notice(s), as the case may be. Faced with this situation, we conclude that the learned PCIT's revision directions herein holding the foregoing re-assessments as erroneous ones causing prejudice to the interest of revenue, hardly deserve to be interfered in these peculiar facts and circumstances. The same stand upheld therefore.

6. Delay of 17 days each in filing of both these appeals stand condoned in the larger interest of justice.

7. These assessee's twin appeals are dismissed in above terms. A copy of this common order be placed in the respective case files.

Order pronounced in the open Court on 07th December, 2022.

Sd/-
(G.D.PADMAHSHALI)
ACCOUNTANT MEMBER

Sd/-
(S S GODARA)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 07th December, 2022
Satish

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, आयकरअपीलीयअधिकरण, “ए” बेंच,
पुणे / DR, ITAT, “A” Bench, Pune.
6. गार्डफ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// TRUE COPY //

Senior Private Secretary
आयकरअपीलीयअधिकरण, पुणे/ITAT, Pune.

S.No	Details	Date	Initials	Designation
1	Draft dictated on	30.11.2022		Sr. PS/PS
2	Draft placed before author	06.12.2022		Sr. PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			AM/AM
5	Approved Draft comes to the Sr. PS/PS			Sr. PS/PS
6	Kept for pronouncement on			Sr. PS/PS
7	Date of uploading of Order			Sr. PS/PS
8	File sent to Bench Clerk			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			