

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'F', NEW DELHI**

**Before Sh. N. K. Choudhry, Judicial Member  
Dr. B. R. R. Kumar, Accountant Member**

**ITA No. 5060/Del/2019: Asstt. Year: 2014-15**

ACIT, Circle-8(1), New Delhi	Vs	Ranjit Singh Cheema, 14, School Lane, Barakhamba Road, New Delhi
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>
<b>PAN No. AAHPC5735F</b>		

**Assessee by : None**

**Revenue by : Sh. T. Kipgen, Ld. CIT DR**

<b>Date of Hearing: 18.01.2023</b>	<b>Date of Pronouncement: 24.01.2023</b>
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**ORDER**

**Per Dr. B. R. R. Kumar, Accountant Member:**

The present appeal has been filed by the revenue against the order of the Id. CIT(A)-34, New Delhi dated 28.03.2019.

2. The revenue has raised the following grounds of appeal:-

"1. *Ld CIT(A) erred in law and on facts of the case in deleting the addition of Rs. 2,45,04,625/- made by the AO on disallowance u/s 68 investment in the property.*"

3. The details have been taken from the order of the Id. CIT(A). The brief facts of the case are that appellant has salary income from Eastern India Powertech Ltd. and income from house property. Return declaring an income of Rs. 1,19,54,277/- was filed on 11.03.2015 The AO has completed the assessment u/s 143(3) vide order dated 30.12.2016 after making addition on account of unexplained source of payment of property at Rs.2,45,04,625/-. Total income assessed at Rs.3,64,58,902/-. Against the order, appellant has filed the appeal Id CIT(A). During the course of

appellate proceedings, appellant has filed application under Rule 46A of Income Tax Rules dated 18.12.2018 for admission of additional evidences. The appellant has submitted that AO has not given sufficient opportunities to adduce evidence relevant to the grounds of appeal because no show cause was issued in explaining the sources of investment in the property. It is submitted by the appellant that no enquiry was made in respect of source of investment at any time during the course of assessment proceedings while the entire payment were made by cheque out of the income chargeable to tax. Considering the facts of the case additional evidences will go to the root of the matter and in the interest of natural justice additional evidences are hereby admitted by the Id CIT(A) as per the provisions of Rule 46A. Remand report is called for from the AO which was submitted by the AO vide letter dated 29.01.2019. The AO has objected for admitting additional evidences and it is prayed that additional evidences may not be admitted as appellant was given ample opportunities to furnish the evidence but appellant failed to explain and justify the source of funds. In the rejoinder, appellant has submitted that he has furnished copies of all the bank account before the AO alongwith narrations of the bank account showing the investment in the property. The Id CIT(A) after verification of the additional evidences held that the appellant has purchased the property at Bangalore for which it has paid consideration of Rs. 2,45,045,625/- during the year under consideration. It was held that during the course of appellate proceedings, appellant has furnished the copies of the bank accounts reflecting the payments made to the builder for the investment in the property. The appellant has made the payment from his bank accounts maintained in HSBC Bank and City Bank and has filed the copies of the receipts in support of his contention. The appellant has filed the copy of the agreement. Since appellant has explained the source of investment addition made by the AO at Rs. 2,45,04,625/- is deleted by the Id CIT(A).

4. We have gone through the statement of affairs as on 31.03.2014 reflecting the bank loans, the investments made. Since, the source of investment is undisputably proved to be from the bank loan we decline to interfere with the reasoned order of the Id CIT(A).

5. In the result the appeal of the Revenue is dismissed.

Order Pronounced in the Open Court on 24/01/2023.

Sd/-

**(N. K. Choudhry)**  
**Judicial Member**

**Dated: 24/01/2023**

**\*Ajay Kumar Keot, Sr. PS\***

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

**(Dr. B. R. R. Kumar)**  
**Accountant Member**

**ASSISTANT REGISTRAR**