

**IN THE INCOME TAX APPELLATE TRIBUNAL
INDORE BENCH, INDORE
(CONDUCTED THROUGH VIRTUAL COURT)**

**BEFORE MS. SUCHITRA KAMBLE, JUDICIAL MEMBER &
SHRI BHAGIRATH MAL BIYANI, ACCOUNTANT MEMBER**

I.T.A. No.549/Ind/2019
(Assessment Year: 2014-15)

Manjeet Singh Saluja 103, Gagan View Appt. R200 Khatiwala Tank, Indore (M.P.)-452001	Vs.	ACIT-5(1), Indore
PAN No.AEAPS5101A		
(Appellant)	..	(Respondent)

Appellant by :	None
Respondent by :	Shri Ashish Porwal, Sr. D.R.

Date of Hearing	30.01.2023
Date of Pronouncement	21.02.2023

ORDER

PER SUCHITRA KAMBLE - JM:

This appeal is filed by the assessee against the order dated 18.01.2019 passed by the Ld. CIT-(Appeals)-II, Indore for A.Y. 2014-15.

2. The grounds of appeal raised by the assessee read as under:

“1. On the facts and circumstances of the case and in law the learned Commissioner of Income Tax (Appeals)-2, Indore (“CIT(A)”) erred in confirming the action of Assessing Officer in making addition of Rs.50,00,000 by allegedly treating unsecured loan as unexplained credit. The Appellant prays that the said addition be deleted.

2. On the facts and circumstances of the case and in law the CIT(A) erred in confirming the action of AO in making impugned addition in contravention to principles of natural justice thereby making the impugned order as illegal and accordingly it is prayed that the said addition be directed to be deleted.

3. On the facts and circumstances of the case and in law the learned CIT(A) erred in not holding the impugned order of AO as illegal and bad in law and it is prayed that the impugned order be set aside.

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4. *The Appellant craves leave to add to, alter and/or amend al or any of the foregoing grounds of appeal.”*

3. The assessee filed return of income on 23.03.2015 showing income at Rs. 24,44,810/-. Subsequently, the case was selected for scrutiny under CASS and reasons for selected of scrutiny are as under:

- (i) Large increase in unsecured loans.
- (ii) Receipts u/s 194C and 194J (as per 26AS) are more than the receipts shown in ITR.

Accordingly, notice under Section 143(2) of the Income Tax Act, 1961 was issued on 31.08.2015 and duly served upon the assessee. In response to the above notices the assessee himself attended from time to time and filed the details. The Assessing Officer made observations and called for the details in respect of parties from whom he has taken loans. The assessee is a proprietor of M/s. S.S. Roadways and M/s. Aroma Associates and engaged in transport business. After taking cognizance of the details the Assessing Officer made addition of Rs. 50 lacs in respect of loan creditor namely Mr. Althash Aliyar Hussain, Indore as per provisions of Section 68.

4. Being aggrieved by the assessment order the assessee filed appeal before the CIT(A). The CIT(A) dismiss the appeal of the assessee.

5. At the time of hearing none appeared on behalf of the assessee despite giving notice and there is no new address filed by the assessee. Therefore, we are proceeding on the basis of the assessment order and the submission made by the assessee before the CIT(A) which are reproduced in the respective orders.

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6. The Ld. D.R. relied upon the assessment order and the order of the CIT(A).

7. We have heard the Ld. D.R. and perused all the relevant material available on record. It is pertinent to note that the Assessing Officer has sent notice under Section 131 to the said loan creditor which was returned back as unserved. Thus, the Assessing Officer also called information under Section 133(6) of the Act from Branch Manager SVC Co-operative Bank, Indore in respect of the bank account of the said loan creditor. During the assessment proceedings as well as during the appellate proceedings before the CIT(A) the assessee in respect of genuineness of transaction and creditworthiness of the loan creditor has not given proper details and never satisfied the query of the Assessing Officer. The CIT(A) also observed that the said loan creditor deposited cash on the same date on which he had issued cheque to the assessee. In absence of verification of the said loan creditor, the Assessing Officer has rightly made addition, the CIT(A) has also taken into account all these details and confirm the addition.

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

Order **pronounced on 21/02/2023** by placing the result on the Notice Board as per Rule 34(4) of the Income Tax (Appellate Tribunal) Rule, 1963.

This Order pronounced in Open Court on 21/02/2023

Sd/-
(BHAGIRATH MAL BIYANI)
ACCOUNTANT MEMBER

Ahmedabad; Dated 21/02/2023
TANMAY, Sr. PS

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

TRUE COPY

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण,इंदौर/ DR, ITAT, Indore
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

(Sr. Private Secretary)
ITAT, Indore