

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI
श्री वी दुर्गा राव न्यायिक सदस्य एवं श्री जी. मंजुनाथा, लेखा सदस्य के समक्ष
Before Shri V. Durga Rao, Judicial Member &
Shri G. Manjunatha, Accountant Member

आयकर अपील सं./I.T.A. No.796/Chny/2022
निर्धारण वर्ष/Assessment Year: 2009-10

Anuja Rajesh Bajaj,
No. 4A, Stringers Street,
Periamet, Chennai 600 007.

Vs. The Income Tax Officer,
Corporate Ward 1(2),
Chennai.

[PAN:AJGPB0322H]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri D. Anand, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri AR V Sreenivasan, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 09.02.2023
घोषणा की तारीख /Date of Pronouncement : 22.02.2023

आदेश / O R D E R

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, dated 30.04.2022 relevant to the assessment year 2009-10.

2. Brief facts of the case are that the assessee is an individual, filed the return of income for the assessment year 2009-10 on 22.02.2010 for declaring a total income of ₹.9,75,235/-. After following due procedures,

assessment was completed under section 143(3) of the Income Tax Act, 1961 ["Act" in short] dated 28.12.2011 by accepting the returned income. Since there was an escapement of income on the basis of information received by the Department that the assessee would have received a sum of ₹.1,00,00,000/- from one Shri Amar Lakhi through NRE remittance. Besides, the Assessing Officer found that the assessee has made cash deposits to the extent of ₹.11,75,000/- with the HDFC bank, the assessment was reopened and issued notice under section 148 of the Act. After considering the submissions of the assessee and following due procedures, the assessment under section 143(3) r.w.s. 147 of the Act dated 29.12.2016 was completed by assessing total income of the assessee at ₹.1,22,62,426/- after making additions towards undisclosed cash deposit of ₹.11,75,400/- and unexplained credit under section 68 of the Act at ₹.1,00,00,000/-. On appeal, besides deleting the addition of ₹.1,00,00,000/-, the Id. CIT(A) granted relief to the extent of ₹.5,75,400/- and confirmation the addition to the extent of ₹.6,00,000/- against the addition of ₹.11,75,000/- made by the Assessing Officer.

3. On being aggrieved, the assessee is in appeal before the Tribunal against confirmation of addition to the extent of ₹.6,00,000/-. The Id. Counsel for the assessee has submitted that the assessee was earning

income out of sale of second hand car in cash and the Department has not doubted/rejected the cash incomes reflected in the cash book and trading account of the assessee. It was further submission that the assessee has produced cash receipt for sale of car and sale confirmation and receipt of car along with FC documents and prayed for deleting the addition confirmed by the Id. CIT(A).

4. On the other hand, the Id. DR strongly supported the order passed by the Id. CIT(A).

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. During the course of appellate proceedings, the assessee has submitted before the Id. CIT(A) that the assessee made cash sales amounting to ₹.17,05,600/-, sold car for ₹.4,20,000/- in cash, earned income from agriculture of ₹.11,450 and rental income of ₹.90,000/-, which were reflected in the cash book and trading account of the assessee. It was further submissions before the Id. CIT(A) that the cash sum deposited in the bank at the end of the year was ₹.12,60,400/- as disclosed in the cash book. An amount of ₹.11,75,400/- from the above mentioned earnings was deposited in HDFC bank. After considering the submissions of the assessee, the Id. CIT(A) restricted the addition to ₹.6,00,000/- by granting

relief of ₹.5,75,400/-. Before us, the Id. Counsel for the assessee has submitted that the assessee has produced cash receipt for sale of car and sale confirmation and receipt of car along with FC documents. Considering the plea of the Id. Counsel for the assessee, as the assessee's transaction was in cash and the earning of the income in cash was not doubted/rejected by the Department, we are of the considered opinion to grant relief of 50% of ₹.6,00,000/- restricted by the Id. CIT(A). Accordingly, the addition is sustained only to the extent of ₹.3,00,000/-.

6. In the result, the appeal filed by the assessee is partly allowed.

Order pronounced on 22nd February, 2023 at Chennai.

Sd/-
(G. MANJUNATHA)
ACCOUNTANT MEMBER

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 22.02.2023

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5. विभागीय प्रतिनिधि/DR &
6. गार्ड फाईल/GF.