

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“GUWAHATI ‘SMC’ BENCH, GAUHATI**  
**VIRTUAL HEARING AT KOLKATA**

**श्री संजय गर्ग, न्यायिक सदस्य के समक्ष**  
**Before Shri Sanjay Garg, Judicial Member**

**I.T.A. No.138/GTY/2017**  
**Assessment Year: 2014-15**

**Tapu Roy..... Appellant**  
**C/o Ashish Roy, A.A. Road,**  
**Kumarghat, Unakuti,**  
**Tripura-799264.**  
**[PAN: AZFPR8482H]**

**vs.**

**ITO, Ward- Dharmanagar ..... Respondent**

**Appearances by:**

None appeared on behalf of the appellant.

Shri N.T. Sherpa, JCIT-DR, appeared on behalf of the Respondent.

Date of concluding the hearing : March 16, 2023

Date of pronouncing the order : March 16, 2023

**आदेश / ORDER**

The present appeal has been preferred by the assessee against the order dated 30.05.2017 of the Commissioner of Income Tax (Appeals), Shilling [hereinafter referred to as ‘CIT(A)’] passed u/s 250 of the Income Tax Act (hereinafter referred to as the ‘Act’).

2. No one has put in appearance on behalf of assessee despite notice. Therefore, I proceed to decide on merits after hearing the Ld. DR.

3. The assessee in this appeal has taken the following grounds of appeal:

*That sir, I have paid 9,00,000/- by cheque from my bank account and Rs. 3,00,000/- paid in cash and others Registration Fee 19,308/-paid to Govt. counter on 18.01.2014 Dumdum for deed no-00824 of 2014 and stamp duty etc. paid Rs. 1,05,267/- and impressive stamp duty paid on 22.01.2014 for issue Indian Non-Judicial of Rs. 5,000/- & its Sl no.B-133675, Rs 10,001/- paid to muhuri all payment was out of my accumulated savings over the last few years which I earned from my retail business. Copy of the Trade license & Bank account enclosed.*

4. The only issue, in this appeal, is relating to the addition made by the Assessing Officer on account of unexplained investment. The assessee in the Financial Year 2013-14 relating to assessment year 2014-15 purchased an old residential house for Rs.12,00,000/- and also paid registration and stamp duty charges amounting to Rs.1,29,575/- thereupon. The Assessing Officer noticed that there were cash deposits in the bank account of the assessee on different dates as mentioned in the impugned assessment order and thereafter a cheque of Rs.5,00,000/- was issued by the assessee to concerned seller on 16.07.2013 and thereafter another cheque of Rs.4,00,000/- was issued on 12.09.2013 and the remaining amount was paid in cash, out of which Rs.2,00,000/- was shown to be received as unsecured loans from one Sri Ashish Roy. The Assessing Officer noticed that the assessee could not prove the source of the aforesaid investment in the purchase of old residential house, therefore, he made the impugned addition, which was confirmed by the CIT(A).

5. I have heard the ld. DR and gone through the record. I find that the assessee made a small investment of Rs.12,00,000/- for the purpose of purchase of an old house for which the assessee has claimed that he has used his business and rental income and also

past savings and also loans from relatives. The tax exemption limit for the year under consideration was said to be was Rs.2,50,000/- for assessment year 2014-15 which means that a person earning an income of less than Rs.2,50,000/- was not supposed to file income tax return or pay any tax. Considering the smallness of the amount, it can be well assumed that the investment made by the assessee was out of past savings of the assessee for many years. It is the dream of every person to own a house and for that purpose a person not only uses his past savings but also gets helps from friends and relatives in the society. Considering the smallness of the amount and overall facts and circumstances of the case, I do not find any justification on the part of the lower authorities in making the impugned addition.

6. In the result, the appeal of the assessee stands allowed.

***Kolkata, the 16<sup>th</sup> March, 2023.***

Sd/-  
[संजय गर्ग /Sanjay Garg]  
न्यायिक सदस्य/Judicial Member

Dated: 16.03.2023.

RS

*Copy of the order forwarded to:*

1. Tapu Roy
2. ITO, Ward- Dharmanagar
3. CIT  
(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches