

आयकर अपीलीय अधिकरण, कोलकाता पीठ 'एसएमसी', कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL "SMC" BENCH KOLKATA

श्री संजय गर्ग, न्यायिक सदस्य एवं श्री गिरीश अग्रवाल, लेखा सदस्य के समक्ष
Before Shri Sanjay Garg, Judicial Member and Shri Girish Agrawal, Accountant Member

I.T.A. No.469/Kol/2022
Assessment Year: 2009-10

Bishnu Kumar Lohia..... Appellant
C/o Shri Jitendra Kaushik, Advocate,
19D, Muktaram Babu Street,
Kolkata-700007.
[PAN: AAVPL5302K]

vs.

ITO, Ward-45(3), Kolkata Respondent

Appearances by:

Shri Sunil Surana, AR, appeared on behalf of the appellant.

Shri Ranu Biswas, Addl. CIT-DR, appeared on behalf of the Respondent.

Date of concluding the hearing : April 19, 2023

Date of pronouncing the order : April 19, 2023

आदेश / ORDER

संजय गर्ग, न्यायिक सदस्य द्वारा / Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 08.07.2022 of the National Faceless Appeal Centre [hereinafter referred to as 'CIT(A)'] passed u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act').

2. The assessee is aggrieved by the action of the lower authorities in making addition in respect of certain deposits found in the bank account of the assessee.

3. The assessee explained that the said deposits were out of business transaction of the assessee i.e. out of purchases and sale made during the year. The Assessing Officer compared purchases vis-a-vis deposits in the bank account and added the difference as unexplained income of the assessee.

4. Before the CIT(A), the assessee submitted that cumulative deposits should be examined considering the sales of the assessee also. However, the Id. CIT(A) ignored the above submissions and confirmed the additions made by the Assessing Officer.

5. Having considered the rival submissions of the Id. representatives of the parties, we deem it appropriate to restore the matter to the file of the Assessing Officer with a direction that the Assessing Officer will examine the purchases as well as corresponding sales of the year and compare it with the cumulative deposits found in the bank account of the assessee and consider the submission and explanation of the assessee in respect of deposits and thereafter to pass a speaking order afresh in accordance with law. No other issue raised or pressed before us.

6. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

Kolkata, the 19th April, 2023.

Sd/-
[गिरीश अग्रवाल /Girish Agrawal]
लेखा सदस्य/Accountant Member

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

Dated: 19.04.2023.

RS

Copy of the order forwarded to:

1. Bishnu Kumar Lohia
2. ITO, Ward-45(3), Kolkata
3. CIT
(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches