

आयकर अपीलीय अधिकरण न्यायपीठ “एक-सदस्य” मामला रायपुर में

**IN THE INCOME TAX APPELLATE TRIBUNAL
RAIPUR BENCH “SMC”, RAIPUR**

**श्री रवीश सूद, न्यायिक सदस्य के समक्ष
BEFORE SHRI RAVISH SOOD, JUDICIAL MEMBER**

आयकर अपील सं./ ITA No. 114/RPR/2023

निर्धारण वर्ष / Assessment Year : 2013-14

Shri Girish Dewangan
Renugiri, Opp. H-1/111, Sector-1,
D.D.U Nagar, Raipur-492 001,
PAN : ACSPD7453L

.....अपीलार्थी / Appellant

बनाम / V/s.

The Income Tax Officer-1(3),
Raipur (C.G.).

.....प्रत्यर्थी / Respondent

Assessee by : None
Revenue by : Shri Piyush Tripathi, Sr. DR

सुनवाई की तारीख / Date of Hearing : 25.05.2023

घोषणा की तारीख / Date of Pronouncement : 25.05.2023

आदेश / ORDER**PER RAVISH SOOD, JM**

The present appeal filed by the assessee is directed against the order passed by the Commissioner of Income-Tax (Appeals), National Faceless Appeal Center (NFAC), Delhi, dated 06.02.2023, which in turn arises from the order passed by the A.O. under Sec. 143(3) r.w.s. 147 of the Income-tax Act, 1961 (in short 'the Act') dated 29.11.2019 for the assessment year 2013-14. The assessee has assailed the impugned order on the following grounds of appeal before me:

"1. The Ld. AO, in the facts and circumstances of the case, erred in treating entire cash deposits made in his bank account during the year as unexplained investment u/s 69 of the IT Act, 1961 and adding it to the total income of the appellant.

2. The Appellant craves to be allowed to add, amend, withdraw or otherwise modify the aforesaid grounds of appeal during the hearing of the case."

2. Succinctly stated, the assessee filed his return of income for A.Y.2013-14 on 31.07.2013, declaring an income of Rs.4,67,820/-. On the basis of specific information received by the A.O, the case of the assessee was reopened u/s.147 of the Act. In compliance, the assessee had filed his return of income on 25.04.2019, declaring an income of Rs.5,38,590/-.

3. During the course of the assessment proceedings, it was observed by the A.O that the assessee had made cash deposits in his bank accounts, viz.

(i) Savings bank account No.3084239574 with Central Bank of India : Rs.1,36,000/-; and (ii) Savings bank account No.55610010012606 with Central Bank of India : Rs.2,48,000/-. On being queried about the nature and source of the aforesaid cash deposits, it was stated by the assessee that the same were sourced out of his salary income and rental receipts. Apart from that, it was stated by the assessee that as he had on 23.06.2012 raised a housing loan from Central Bank of India of Rs.16,900/-, therefore, to facilitate repayment of the same monthly cash deposits of Rs.17,000/- were made in the same. As the assessee had failed to come forth with any explanation as regards the nature and source of the aforesaid cash deposits, therefore, the A.O was constrained to make an addition of Rs.3,84,000/- u/s.69 of the Act. Accordingly, the A.O vide his order passed u/s.143(3) r.w.s.147 of the Act dated 29.11.2019 assessed the income of the assessee at Rs.9,22,590/-,

4. Aggrieved the assessee carried the matter in appeal before the CIT(Appeals) but without success.

5. The assessee being aggrieved with the order of the CIT(Appeals) has carried the matter in appeal before me. As the assessee appellant despite having been intimated about the hearing of appeal had neither put up an appearance nor filed any application seeking adjournment, therefore, I am constrained to proceed with and dispose off the appeal as per Rule 24 of the

Appellate Tribunal Rules, 1963, i.e. after hearing the respondent revenue and perusing the orders of the lower authorities.

6. As is discernible from the orders of the lower authorities, it transpires that though the assessee had come forth with an explanation as regards utilization of the cash deposits in his bank account, but had failed to explain the nature and source of the cash deposits therein made by him. Accordingly, the A.O in the absence of any explanation forthcoming from the assessee, had held the same as an unexplained investment within the meaning of Section 69 of the Act. Also, the assessee had failed to avail sufficient opportunities which were afforded to him by the CIT(Appeals) and thus, despite having been preferred the said appeal had failed to put up an appearance before him.

7. Considering the aforesaid facts involved in the present case, I, finding no infirmity in the view taken by the A.O, who had rightly held the cash deposits made by the assessee in his bank account as an unexplained investment within the meaning of Section 69 of the Act, which had thereafter been upheld by the CIT(Appeals), uphold the same.

8. Resultantly, appeal filed by the assessee being devoid and bereft of any merits is dismissed in terms of my aforesaid observations.

Order pronounced in open court on 25th day of May, 2023

Sd/-

(रवीश सूद / RAVISH SOOD)

न्यायिक सदस्य/JUDICIAL MEMBER

रायपुर / Raipur; दिनांक / Dated : 25th May, 2023.

SB

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(Appeals)-1, Raipur (C.G.)
4. The Pr. CIT-1, Raipur (C.G.)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "एक-सदस्य" बेंच, रायपुर / DR, ITAT, "SMC" Bench, Raipur.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

निजी सचिव /Private Secretary

आयकर अपीलीय अधिकरण, रायपुर / ITAT, Raipur