

IN THE INCOME TAX APPELLATE TRIBUNAL
SMC BENCH, PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. /ITA No.458/PUN/2023

निर्धारण वर्ष / Assessment Year : 2018-19

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| Rajendra Nivrutti Thite, 106, Ist Floor, Abhinav Residency, Bhamburda, Shivaji Nagar, Pune – 411 016, Maharashtra PAN : AANPT8524F | Vs. | ACIT, Central Circle-1(3), Pune |
| Appellant | | Respondent |

Assessee by Shri Suhas P. Bora
Revenue by Shri Gurmel Singh

Date of hearing 09-06-2023
Date of pronouncement 09-06-2023

आदेश / ORDER

PER R.S. SYAL, VP:

This appeal by the assessee arises out of the order dated 28-02-2023 passed by the CIT(A) in National Faceless Appeal Centre, Delhi u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') in relation to the assessment year 2018-19.

2. The only issue raised in this appeal is against the confirmation of addition of Rs.1,95,000/- towards Dividend received from Grainotch Industries Ltd., which was claimed as exempt.

3. Briefly stated, the facts of the case are that the assessee claimed exempt income, *inter alia*, of Rs.1.95 lakh. In the absence of the

assessee furnishing any evidence in support of the income, the Assessing Officer (AO) treated such amount as “Income from Other Sources” and made the addition. During the course of first Appellate proceedings, the assessee submitted that Rs.1.95 lakh was received as dividend from Grainotch Industries Ltd. In the absence of the assessee furnishing the Board Resolution regarding declaration of dividend or any other evidence, the Id. CIT(A) sustained the addition. Aggrieved thereby, the assessee has come up in appeal before the Tribunal.

4. I have heard the rival submissions and gone through the relevant material on record. The assessee has made out a case that a sum of Rs.1.95 lakh was received as dividend from Grainotch Industries Ltd. Though the evidence in respect of receipt of dividend, such as, the Board Resolution etc., was not placed before the authorities below, the Id. AR contended that such evidence was now available and the same can be verified. Considering the facts in the entirety, I am of the considered opinion that it would be just and fair if the impugned order is set aside on this score and the matter is remitted to the file of AO. I order accordingly and direct him to verify the genuineness of receipt of dividend of Rs.1.95 lakh as corroborated with the necessary evidence and then decide the issue as

per law. Needless to say, the assessee will be given reasonable opportunity of hearing.

5. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 09th June, 2023.

Sd/-
(R.S.SYAL)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 09th June, 2023
सतीश

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order is forwarded to:

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The Pr.CIT concerned
4. DR, ITAT, 'SMC' Bench, Pune
5. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

| | | Date | |
|-----|--|------------|-------|
| 1. | Draft dictated on | 09-06-2023 | Sr.PS |
| 2. | Draft placed before author | 09-06-2023 | Sr.PS |
| 3. | Draft proposed & placed before the second member | | JM |
| 4. | Draft discussed/approved by Second Member. | | JM |
| 5. | Approved Draft comes to the Sr.PS/PS | | Sr.PS |
| 6. | Kept for pronouncement on | | Sr.PS |
| 7. | Date of uploading order | | Sr.PS |
| 8. | File sent to the Bench Clerk | | Sr.PS |
| 9. | Date on which file goes to the Head Clerk | | |
| 10. | Date on which file goes to the A.R. | | |
| 11. | Date of dispatch of Order. | | |

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