

IN THE INCOME TAX APPELLATE TRIBUNAL
RAJKOT BENCH, RAJKOT

[CONDUCTED THROUGH VIRTUAL COURT]

**Before: Shri Annapurna Gupta, Accountant Member
And Shri Siddhartha Nautiyal, Judicial Member**

**ITA No. 276/Rjt/2018
Assessment Year 2011-12**

Ramesh Parsotamdas Khusalani, Proprietor of All India Enterprise, Plot No. 191, Sector-1A, Gandhidham PAN: AGHPK1810D (Appellant)	Vs	The ITO, Ward-2, Gandhidham (Respondent)
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Assessee by: None
Revenue by: Shri B.D. Gupta, Ld. Sr. D.R.

Date of hearing : 10-07-2023
Date of pronouncement : 19-07-2023

आदेश/ORDER

PER : SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER:-

This assessee's appeal for A.Y. 2011-12, arises from order of the ld. CIT (A), Jamnagar dated 10-04-2018, in proceedings under section 250 of the Income Tax Act, 1961; in short "the Act".

2. The assessee has taken the following grounds of appeal:-

“1. Ld. CIT (A) has erred in law as well as on fact in confirming addition of Rs.38,00,000/- being cheques deposited in bank account of appellant, for which Id. AO had made addition treating it as unexplained cash deposit, even though part of which was accepted as genuine by AO in remand report.

2. Ld. CIT (A) has erred in law as well as on fact in confirming addition of Rs.32,000/- being cash deposited out of cash in hand as unexplained income of the appellant.

3. Ld. CIT (A) has erred in law as well as on fact in confirming addition of Rs.2,92,491/- being investment in shares, sourced from cheques deposited in bank account of appellant for which addition was made and confirmed by CIT(A).

4. Ld. CIT (A) has erred in law as well as on fact in confirming adhoc addition of Rs.50,000/- from salary expenses, Rs.24,569/- from sales promotion expenses, Rs.72,000/- from vehicle running and repairing expenses and Rs.40,000/- from laoding expenses on estimated basis without pointing out any specific defects in the books of accounts.”

3. The facts of this case are that during the course of assessment proceedings, the assessing officer observed that cheques amounting to ₹ 38 lakhs were deposited in the bank account of the assessee, for which assessee had no explanation. Accordingly, the same were added as unexplained cash deposit to the income of the assessee. Further, the Id. Assessing Officer made an addition of an amount of Rs. 2,92,292/- on account of investment in shares, in absence of any explanation forthcoming from the assessee. The Id. CIT(A) confirmed the addition of Rs. 2,42,292/- on the ground that assessee has failed to explain the source of purchase of share. Besides the above, some other minor additions were also sustained by the Ld. CIT(Appeals) in the appellate order, after giving detailed reasonings.

4. Before us, none appeared on behalf of the counsel for the assessee, despite there being several opportunity of hearing, which have been granted

to the assessee. We also observe that the counsel for the assessee, Shri Chetan Agrawal has also withdrawn his power of authority. Accordingly, despite several opportunities, it is apparent that the assessee is not interested in pursuing the present appeal. We observe that the above additions were sustained by Ld. CIT(Appeals) after giving a detailed finding/reasoning in the appellate order and the appeal of the assessee was partly allowed, considering the facts of the assessee's case. Accordingly, looking into the facts of the instant case, we find no infirmity in the order of Ld. CIT(Appeals) so as to call for any interference.

5. In the result, appeal of the assessee is dismissed.

Order pronounced in the open court on 19-07-2023

Sd/-
(ANNAPURNA GUPTA)
ACCOUNTANT MEMBER
Ahmedabad : Dated 19/07/2023

Sd/-
(SIDDHARTHA NAUTIYAL)
JUDICIAL MEMBER

आदेश की प्रतिलिपि अग्रहित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order,

Assistant Registrar,
Income Tax Appellate Tribunal,
Rajkot