

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI**

Before Sh. Kul Bharat, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

ITA No. 493/Del/2022 : Asstt. Year: 2015-16

Resonance Healthcare India Pvt. Ltd., Shop No. 214, Vardhman Sunrize Plaza, Plot No. 1, S/F Vasundhra Enclave, New Delhi-110096	Vs	ACIT, Circle-21(2), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. AAGCR9450C		

Assessee by : None

Revenue by : Sh. Om Parkash, Sr. DR

Date of Hearing: 31.07.2023

Date of Pronouncement: 31.07.2023

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by assessee against the order of Id. CIT(A)-7, New Delhi dated 24.01.2019.

2. Following grounds have been raised by the assessee:

"1. That the Ld. CIT-A as well as AO erred in law and on facts in confirming the addition for the sum of Rs. 31,40,000/- under section 68 of the Act as unexplained cash credit without appreciating the facts of the case, such addition is requested to be deleted.

2. That the Ld. CIT-A erred in confirming the addition of Rs. 31,40,000/- as unexplained cash credit under section 68 of the Act without considering the evidences and documents, such addition is requested to be deleted.

3. That the Ld. CIT-A erred in law and on facts not considering the confirmation letter as submitted before the AO of lender along with their PAN to establish identity, genuineness and creditworthiness of the of the lender; such addition is needs to be deleted.

4. On the facts and in the circumstances of the case and in law the Ld. CIT-A erred in charging interest u/s 234A, 234B and 234C.

5. On the facts and in the circumstances of the case and in law, the initiation of penalty proceeding under section 271(1)(c) is bad in law keeping in view the grounds mentioned above."

3. The assessee filed appeal on 22.03.2022. Proceedings were conducted on 04.05.2022, 30.08.2022, 20.10.2022, 30.11.2022, 06.02.2023, 13.03.2023, 17.04.2023, 09.05.2023, 01.06.2023, 28.06.2023 and 31.07.2023. Nobody on behalf of the assessee attended the proceedings. Hence, it is decided to pass the order based on the record available before us.

4. From the record placed before us, we find that the addition u/s 68 of the Income Tax Act, 1961 has been made by the AO on account of unsecured loans received by the assessee owing to the failure of the assessee to prove the identity, genuineness and creditworthiness of the parties. Before the Id. CIT(A) also, the assessee has failed to attend the hearing on 7 different occasions. Even before us, the assessee has failed to appear on 11 different dates which only goes to establish that the assessee has nothing in his possession to prove the identity, genuineness and creditworthiness of the parties and to discharge the onus casted upon the assessee u/s 68 of the Income Tax Act, 1961.

5. In the result, the appeal of the assessee is dismissed.
Order Pronounced in the Open Court on 31/07/2023.

Sd/-
(Kul Bharat)
Judicial Member

Dated: 31/07/2023

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-
(Dr. B. R. R. Kumar)
Accountant Member

ASSISTANT REGISTRAR