

IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "E", MUMBAI
BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER AND
SHRI GAGAN GOYAL, ACCOUNTANT MEMBER

1. ITA No. 6602/Mum/2010 (A.Y.2008-09)

DCIT Cen. Cir-3(3),

R. No. 1923, 19th floor,
Air India Building,
Nariman Point
Mumbai-400 021

..... Appellant

、
Vs.

Shri Darsh Sanjay Jain

(Legal Heir of Late Shri Sanjay Jain)

1101-1105, Plaza Panchsheel,
Girgaon, Mumbai-400 004

PAN: AACPJ5178Q

..... Respondent

&

2. ITA No. 6611/Mum/2010 (A.Y. 2008-09)

Shri Darsh Sanjay Jain

(Legal Heir of Late Shri Sanjay Jain)

1101-1105, Plaza Panchwshil,
Girgaon, Mumbai-400 004

PAN: AACPJ5178Q

..... Appellant

Vs.

ACIT Cen. Cir-24 & 26,

R. No. 404, 4th floor,
Aayakar Bhavan,

M. K. Road,
Mumbai-400 020

..... Responden

Appellant by : Shri Vipul Joshi /Ms. Dinkle Hariya
Respondent by : Shri H. M. Bhatt, CIT-DR
Date of hearing : 03/07/2023
Date of pronouncement : 07/08/2023

ORDER

PER GAGAN GOYAL, A.M:

These appeals by assessee and cross appeal by revenue are directed against the order of Ld. CIT (A)-39, Mumbai, dated 18.06.2010 u/s. 250 of the Income Tax Act, 1961 (in short 'the Act') for A.Y. 2008-09 respectively.

2. The revenue has raised the following grounds of appeal:-

1. On the facts and in the circumstances of the case and in law, the Ld. CIT (A) erred in directing the Assessing Officer to delete the addition of Rs. 82, 50,000/- made on account of papers seized from the residence without appreciating the facts that the assessee failed to submit satisfactory evidence showing direct co-relation between unaccounted money received, offered for taxation and the unaccounted payments reflected in seized documents.

2. On the facts and in the circumstances of the case and in law, the Ld. CIT (A) erred in directing the Assessing Officer to delete the addition of Rs. 1, 23, 77,500/- made on account of papers seized from the Plaza Panchsheel Office without appreciating the facts that the assessee failed to submit satisfactory evidence showing direct co-

relation between unaccounted money received, offered for taxation and the unaccounted payments reflected in seized documents.

3. On the facts and in the circumstances of the case and in law, the Ld. CIT (A) erred in directing the Assessing Officer to delete the addition of Rs. 1, 91,000/- made on account of papers seized from the Fort office without appreciating the facts that the assessee failed to submit satisfactory evidence showing direct co-relation between unaccounted money received, offered for taxation and the unaccounted payments reflected in seized documents.

4. On the facts and in the circumstances of the case and in law, the Ld. CIT (A) erred in directing the Assessing Officer to delete the addition of Rs. 13, 02,933/- made on account of difference in cash found at Home without appreciating the facts that the assessee failed to submit satisfactory evidence showing direct co-relation between unaccounted money received, offered for taxation and the unaccounted payments reflected in seized documents.

5. On the facts and in the circumstances of the case and in law, the Ld. CIT(A) erred in directing the Assessing Officer to delete the addition of Rs. 1,89,400/- made on account of balance jewellery found during the course of search, which did not tally with what was declared under VDIS,

The Appellant craves to leave to add, amend and/or to alter any of the grounds of appeal, if need be.

The Appellant, therefore, prays that on the grounds stated above, the order of the CIT (A) - 39, Mumbai may be set aside and that of the Assessing Officer restored.

3. The brief facts of the case are that assessee filed his return of income on 06.01.2009 declared total income at Rs. 1,09,08,570/-. The assessee was engaged in the business of consultancy in the field of Real Estate and also undertaken few

projects for development of property in partnership. In course of this, assessee has given advances and spent sum amount either to require the property to be developed or to get NOC of tenants, occupants or landlord. In addition to this, assessee was director in the company M/s. Navkar Corporate Services Pvt. Ltd. and Vratya Properties Pvt. Ltd.

4. A search operation u/s. 132 of the Act was conducted on 13.03.2008 at the residential and business premises of the Navkar Group of companies. Assessee was also covered in the search operations. Case of the assessee was assessed at Rs. 4, 20, 76,650/- based on seized documents. Assessee being aggrieved with this order of assessment, assessing his income at Rs. 4, 20, 76,650/-, preferred an appeal before the Ld. CIT (A)-39, Mumbai. In his order u/s. 250 vide dated 18.06.2010; Ld. CIT (A) partly allowed the appeal of the assessee and confirmed a portion of assessment order also. In consequence to this, against the relief granted to assessee, department is in appeal and where Ld. CIT (A) confirmed the order of AO, assessee is in appeal before us.

5. We have gone through the order of AO, Ld. CIT (A), submissions of the assessee and relevant annexure of the seized material vide paper book. It is also observed through revised Form No. 36 filed by both the parties that assessee expired on 14.11.2015. The present appeal is being pursued by his legal heir, his son Mr. Darsh Sanjay Jain. In order to comprehend the entire issue with reference to seized material found during the search, we have matched the information or seized material vis-a-vis the order of AO and the order of Ld. CIT (A).

6. In our observation, we do not find any misinterpretation or left over in the order of the Ld. CIT (A). Considering the seized material as a basic document for whole proceedings under consideration, in our view the specific comments on each and every head of addition is not required relying on the comments and working contained in the order of Ld. CIT (A). In this context, we are deciding the departmental appeal first and then the issues raised by assessee.

7. On ground no. 1, we are reproducing the findings of fact duly reconciled with the seized material, findings of AO and submissions of assessee are as under:-

12.1 **Ground No.2** relates to addition of Rs. 82,50,000/- as undisclosed income. In this regard, during the appellate proceedings, the appellant has submitted that AO failed to appreciate that the amount of Rs 82,50,000/- is amount spent to acquire a property and is from the amount disclosed in the return of income. The Appellant also submitted that it had declared Rs. 110 Lakh for the year under consideration and that the source of Rs. 95 Lakh was from a Pune property & accordingly an amount was invested in Pune property. The assessee has submitted the date wise detail of source to show that he was having sufficient fund for application towards the Pune property and it is extracted below:-

“Navkar Avenue – Developed by Panacea Unique & Developers wherein Mr. Sanjay Jain is equal partners with Pune group.

Pune

Building B-1

Flat No.	Amount received on or before	Amount received over and above agreement value
L-10	5/4/2007	429,000.00
L-6	5/4/2007	858,000.00
L-7	5/4/2007	858,000.00
L-8	5/4/2007	858,000.00
301	5/4/2007	434,700.00
U-7	5/4/2007	579,150.00
L-5	7/4/2007	643,500.00
101	7/4/2007	483,000.00
L-17	19/4/2007	600,000.00
L-1	20/4/2007	643,500.00
U-4	11/5/2007	729,300.00
102	9/6/2007	343,200.00
104	11/7/2007	351,900.00
202	21/7/2007	262,120.00
L-18	2/8/2007	429,000.00
U-3	8/11/2007	429,000.00
404	17/11/2007	819,400.00
U-1	31/3/2008	429,000.00
	Total	9,536,270.00”

The appellant has also enclosed the copies of the sale agreement to prove that all the above agreement for sale was entered before the cash payment was made for Pune property. The appellant has relied on the following judicial pronouncements:-

- i) Jagmohan Singh Arora & Ors. Vs DCIT & Anr. (Mumbai Tribunal)
- ii) CIT vs. N. Ramanatha Rediiar (HUF) 222 ITR 765 (1996)
- iii) Radhey Shyam Tanwar vs. ACIT 77 TTJ 505 (2001)
- iv) Arun Kala vs. ACIT 98 TTJ 1046 (2004)

12.2 The appellant has claimed that the above addition amounts to taxing the same unaccounted income twice once at the time of receipt and secondly at the time of application and has prayed to delete the addition.

12.3 I have gone through the copies of seized materials. The datewise payment of cash of Rs. 97,50,000/- are as follows:-

Sr.	Date	Amount (Rs.)	Remark	Cumulative amount paid during FY 07-08 (Rs.)
1)	No date	5,00,000	Assessed in AY 2007-08	-
2)	No date	10,00,000	Assessed in AY 2007-08	-
3)	15.6.07	7,50,000	Assessed in AY 2008-09	7,50,000
4)	13.7.07	10,00,000	Assessed in AY 2008-09	17,50,000
5)	19.7.07	10,00,000	Assessed in AY 2008-09	27,50,000
6)	15.8.07	20,00,000	Assessed in AY 2008-09	47,50,000
7)	11.12.07	25,00,000	Assessed in AY 2008-09	72,50,000
8)	12.12.07	10,00,000	Assessed in AY 2008-09	82,50,000

Seized material indicates the collection of 'On money' on sale of flats and the entire amount is offered to tax by the appellant. Nothing was found to show that the 'On money' was spent for any other purpose. At the same time, seized material indicates certain unaccounted payments made by the appellant. Availability of these unaccounted (cash receipts) money is proved and it is available with the appellant for making unaccounted payments. In these circumstances, the appellant's contention that only unaccounted receipts (which were offered to tax in the return of income) were used for unaccounted payments

has merits. There is no other evidence available to the contrary to the appellant's claim. In view of this, the appellant's claim is accepted. Since the unaccounted payments are explained through the unaccounted receipts which are offered to tax already, I direct the A.O. to delete the addition of Rs. 82,50,000/-.

8. The above findings of the Ld. CIT (A), we found in consonance with the seized material and additional income (undisclosed income) offered in his return filed in compliance to section 153A of the Act. We do not find any perversity in the findings of the Ld. CIT (A) on this issue. **Hence, ground no. 1 raised by the revenue is dismissed.**

9. Ground no. 2 pertains to addition made to the tune of Rs. 123, 77,500/- made on account of papers seized from the Plaza Panchsheel Office. Being sum total of page no. 11, 12 & 13 of annexure A-1. On ground no. 2, we are reproducing the findings of fact duly reconciled with the seized material, findings of AO and submissions of assessee are as under:-

page Nos. 11, 12, 13 of A-1. In this regard, the appellant during the course of the appellate proceedings has submitted that these loose papers are the rough jottings made from time to time by the official staff. The appellant submitted that all the entries are written in full and no form of it is in a coding language. The appellant further submitted that she (the office clerk) has written about the amount paid / received whenever cash is paid or received. Other entries are either a message received from the third party or a trade inquiry, information communication to be given to Mr. Sanjay Jain. The appellant also submitted that the said pages are loose papers and not a cash book notings and it is not in the handwriting of the assessee Mr. Sanjay Jain. The appellant contended that there is no corroborative evidence found by the AO to support the addition of Rs 1,59,34,750/-. The appellant submitted that the courts have held that in case of addition based on loose sheets there has to be additional supporting evidence to support the addition. In this regard, the appellant has relied on the following judgments

- a) M M Financiers (P) Ltd Vs DCIT (2007) 17 SOT 5.
- b) S P Goyal Vs DCIT 77 TTJ 1, 82 ITD 85 (2002).
- c) CIT Vs Sethi 295 ITR 351 (2006)
- d) Nirmal Fashion (P) Ltd Vs DCIT 123 TTJ 180 (2008)

13.2 The appellant further submitted that the AO has generalized and considered the entire figure as amount paid in cash and added the same to total income. Regarding page No.11, the appellant submitted that nowhere it is written as cash paid or cash received, no portion of the figure is written in

coding language. For example if it is lakhs it is written in lakhs. The appellant submitted that the AO has ignored the fact that on 12th March 2008, Rs 25 lakhs was sent from office to residence and the same cash was found at the residence of Mr. Sanjay Jain. Regarding Page no.12, the appellant submitted that on these pages few names appear who are mainly employees of the appellant and brother of the appellant. On this page no where it is mentioned that cash is paid or cash is received. The assessing officer considering that the said pages are in continuation of the page 11 had applied the same theory and logic in adding the same as cash amount spent, the appellant submitted.

13.3 Regarding page No. 13 the appellant submitted that on this page clearly it is written that few people have given cash and cash is received from a person named Ibrahim Kumar (Saath Rastha). Mr. Nagesh is employee of the Sanjay Jain and Vinod Kumar is brother to whom cash is given mainly to deliver the same to a Jeweller for purchase of Jewellery. The appellant further submitted that On 27.12.2007 there is noting 8 lacs Soudi, Soudi is a part time accountant who had taken Blank Cheque for payment of Advance Tax of Rs. 8 Lakhs for Akashshine™Trader (P) Ltd. With regard to the A.O.'s contention that the assessee has not submitted cash book evidencing that the cash was sent from residence at Forjjet Street and vice versa, the appellant stated that cash book is prepared for recording transaction of receipt and payment of business transaction and that it is not prepared to trace the location of the cash.

13.4 The appellant further submitted that the AO ignored the fact that Date wise and Day wise cash book of the whole group were submitted showing that the group was having sufficient cash in hand for movement of cash. For example, the appellant has submitted that on 12.03.2008 cash amount of Rs 25, 00,000 was received from office. On 13th March 2008 (day of Search) an amount of Rs 28, 80,000 was found at the residence - which clearly shows that cash was moved from office to residence. The appellant has given the explanation for the entries found in the seized material as follows:-

A. T. 2008-07

Detail Explanation of Page No. 10, 11, 12 seized from Plaza Office

Sr.	Date	Noting mentioned on loose Sheets		Amount taken by AO	Remark
1)	18.12.2007	50,000	VinodKumar Given	(50,000)	A message was noted about VinodKumar (brother of Sanjay Jain), He was given Rs 50,000 to be given to residence of sanjay jain. The said amount is paid from the balance available in the books of accounts.
2)	18.12.2007	175,000	Nagesh Given	(175,000)	A message was noted about Sanjay Jain who has purchased jewellery from Mamai Jewellery through Sanjay (Jhaveri). An advance of Rs 175,000 was given for the jewellery purchased/ ordered to be made. The payment is made from the books of accounts. (Copy of cash book showing the said payment is enclosed. The said amount was paid through Nagesh (Office peon). So the noting of this fact is made by the staff
3)	19.12.2007	25,000	Sanjay Zaveri (Given)	(25,000)	A message was noted about Sanjay Jain who has purchased jewellery from Mamai Jewellery An advance of Rs 25,000 was given for the jewellery purchased/ ordered to be made. The payment is made from the books of accounts. (copy of cash book showing the said payment is enclosed)
4)	19.12.2007	500,000	Cash came Ahmed Ibrahim Kumar (Saath Rasta)	500,000	The said amount represent sale of scrap received from the site at Saath Rastha, developed by Vratya properties Pvt. Ltd. The said amount is duly reflected in the books of accounts. Receipt of cash was noted in these loose papers.
5)	27.12.2007	8Lacs	Soudi	800,000	The message is noted by the staff is in this context. That Rs 8 lakhs represents a Cheque given to our part time accountant Mr. Soudi for payment of advance tax of M/s Akashine Traders Private Limited. He has taken a blank cheque, later on he informed the office staff that Rs 8 lakhs is filled in the cheque. Copy of Challan and Bank statement highlighting the entry is enclosed. Sanjay jain is a director / Shareholder in the said company
6)	10.01.2008	50,000	Sharma	50,000	Mr. Sharma is our cashier who was given Rs 50,000/- to be given at the residence of sanjay jain. The said amount is paid from the balance available in the books of accounts.
7)	10.01.2008	50,000	Sharma	50,000	The said message is repetition of the message recorded on the same date above.
8)	19.01.2008	16,000	Sharma	16,000	The office staff noted a message received from Mr. Sharma our cashier who

A.Y. 2008-09

Sr.	Date	Nothing mentioned in loose sheets	Amount taken by AQ	Remarks	
				informed the staff that he was having 15000 cash in hand in the petty cash account.	
9)	29.01.2008	50,000	VinodKumar	50,000	A message was noted of handing over a cheque of Rs 50,000/- to Mr. Vinod to be given to Mr. Amit and Pinky Kothari
10)	28.01.2008	5Lacs	Sunil Pereira	500,000	A message was noted by the office staff of handing over Rs 5 lakhs cheque to Mr. Sunil Pereira who is an Architect in sanjay jain group he was handed over 5 cheques of Rs 1 lakhs totaling to RS 5 lakhs to be given to the following persons. Mr. Bharati Jain, Ankit Farmer, Meena R P, S G Sawadi (HUF). Copy of Bank Statement & Bank Book of Navkar Developers highlighting the payments.
11)	29.01.2008	1Lac	Topi (Mahesh)	100,000	Topi (Mahesh) is an anti social element (A goon) was calling and asking for protection/construction money and if not paid would not allow to work at the site.
12)	01.02.2008	6	Kaladevi	6,000	These are petty expenses incurred for purchase of stationery and books from kaladevi. Accounted in the books of accounts. A message of expense incurred was noted.
13)	01.02.2008	2	Bandra	2,000	These are petty expenses incurred for visit to bandra income tax office. Accounted in the books of accounts. A message of expense incurred was noted.
14)	01.02.2008	50,000	Sajid Bhai	50,000	An amount sent from office to residence of Sanjay Jain
15)	01.02.2008	1.25	Jigiben	50,000	No financial transaction.
16)	08.02.2008	1	Sanjay Zaveri	1,000	Sanjay Jhaveri is a jewellery broker through whom Jewellery was purchased from Mamai Jewellers. An amount of Rs1000/- was paid to him.
17)	08.02.2008	1	Jigiben	1,000	No financial transaction.
18)	12.02.2008	20	Doodhraj	2,000,000	A message was given by Mr. Doodhraj on phone demanding 20 lakhs including interest against loan amounting to Rs 19 lakhs to Sanjay Jain He was asking to refund the loan along with int., so an amount of Rs 20 lakhs was demanded and she has noted the same. No payment is made just a reminder. Copy of Account of Doodhraj along with bank statement is enclosed. The payment of Rs. 10 Lakh was made after the year ended 31 st March, 2008.
19)	15.02.2008	50,000	VinodKumar	50,000	VinodKumar is brother of Sanjay Jain, He was given Rs 50,000 to be given at the residence of sanjay jain The said amount is paid from the balance available in the books of accounts
20)	22.02.2008	50,000	VinodKumar	50,000	VinodKumar is brother of Sanjay Jain, He was given Rs 50,000 to be given at

Sr.	Date	Noting mentioned on loose Sheets		Amount taken by AO	Remark
					the residence of Sanjay Jain. The said amount is paid from the balance available in the books of accounts.
21)	27.02.2008	50,000	VinodKumar	50,000	VinodKumar is brother of Sanjay Jain, He was given Rs 50,000 to be given at the residence of Sanjay Jain. The said amount is paid from the balance available in the books of accounts.
22)	29.02.2008	30,000	Sharad	30,000	An amount of Rs 30,000/- was demanded by sharad for the expenses be incurred at the site.
23)	29.02.2008	50,000	Anil	50,000	Mr. Anil is a tenant occupying a small room at a property in Lower Parel called Haji gani chawl which is developed by Navkar construction co. In which Mr Sanjay Jain is a partner and all the financial and commercial decision are taken by him. The payment of rent started from Oct 2006 and payable for 12 months in advance. The first Year rent was 27,600 and subsequent year the rent was Rs 42,000/- . Since there was a delay he was calling and demanded Rs 50,000/- towards its rent for 12 months. Subsequently an amount of Rs 72,000/- was paid to him in month of September 2008.
24)	01.03.2008	25,000	Sharma (Police)	25,000	Mr Sharma is our cashier he informed the office staff to inform Sanjay Jain that Police was demanding Rs 25,000/-.
25)	01.03.2008	50	Anil	5,000,000	Mr Anil had again called for the 50 he requested a day before. Mr Anil is a tenant occupying a small room at a property in Lower Parel called Haji gani chawl which is developed by Navkar construction co. in which Mr Sanjay Jain is a partner and all the financial and commercial decision are taken by him. The payment of rent started from Oct 2006 and payable for 12 months in advance. The first Year rent was 27,600 and subsequent year the rent was Rs 42,000/- . Since there was a delay he was calling and demanded Rs 50,000/- towards its rent for 12 months. It is just a noting, no payment is made to him <i>The learned AO suomoto with his own presumption treated 50 as Rs 50 Lakh and made a exorbitantly high pitched order Since a day before he had again called for the said amount of Rs 50,000.</i>
26)	04.03.2008	1	Sunil	1,000	The noting is made about RS 1000/- asked by Sunil towards conveyance
27)	04.03.2008	1.50	Prasant (Singh Work)	1,500	Mr Singh is a worker to whom Rs 1500 was paid by prashant he informed about it that he paid Rs 1500 to Singh In that context the said noting is made.

Sr.	Date	Noting mentioned on loose Sheets		Amount taken by AO	Remark
28)	07.03.2008	1	Mrs Joshi	100,000	Mrs Joshi called up in the office. We do not have any financial relationship with her.
29)	07.03.2008	40Lacs	Sisodia (Vivek)	4,000,000	Sanjay Jain was traveling for the weekend so on 7 th March being a Friday he had sent the cash in the office to his residence, amounting of Rs. 40 Lakhs. He is a family friend; he stays in Prabhadevi & Sanjay Jain at Forjett Street, Grant Road.
30)	08.03.2008	1	Topi (Mahesh)	100,000	Topi (Mahesh) is an anti social element (A goon) was calling and asking for protection/extortion money and if not paid would not allow to work at the site. We do not have any business transaction with him.
31)	10.03.2008	1	Kanti Mehta	100,000	A noting involving no financial transaction.
32)	12.03.2008	25Lac	Hiteshbhai	2,500,000	The said amount represent cash sent from office to residence of sanjay Jain from the cash available in the books of accounts & the same cash was seized during the day of search out of which an amount of Rs.11,80,000 was offered as income from other sources.
			Total	15,934,750	

The appellant prayed that the entries made in the loose papers are with regard to movement of cash and enough cash balance was available with the appellant on those dates and hence the additions need to be deleted.

13.5 I have gone through the issue. I have gone through the explanations furnished by the appellant with regard to the entries made by the office staff in the documents seized from the office of the appellant. From the seized documents, it is clear that the entries are made with regard to cash receipts and payments. The appellant submits that there is enough cash balance available in the cash book to support the cash movement.

13.6 With regard to the first entry made on 18.12.2007, the appellant has explained that Mr. Vinod Kumar (the appellant's brother) was given Rs. 50,000/- to hand over it in the appellant's residence. The appellant submits that sufficient cash is available in the books of account and hence the amount cannot be added as unexplained cash. The appellant submits that the daywise

summary of cash balance was submitted to the A.O. which clearly shows the availability of cash to explain this cash movement.

I have gone through the cash summary submitted by the appellant to the A.O. There is sufficient cash balance available in the books of account. Further, Mr. Vinod Kumar is the appellant's brother. Further, during the search proceedings, certain cash was found at the residence which was explained by the assessee that part of the cash belonged to the assessee's business concerns. Considering these facts, the appellant's explanation is accepted. The A.O. is directed to delete the addition of Rs. 50,000/-.

13.7 The second entry was made on 18.12.2007 and the third was made on 19.12.2007. The appellant has explained that the assessee has purchased jewellery from Mamai Jewellery and towards that these amounts were sent to Mamai jewellery through Mr. Nagesh and Mr. Sanjay Jhaveri. The appellant submits that the purchase of the jewellery is reflected in the accounts of Shri Sanjay Jain, the appellant.

I have gone through the submissions made as well as the details filed by the appellant. The payments are reflected in the cash book of Shri Sanjay Jain. In view of this, these entries are treated as explained and the A.O. is directed to delete the addition of Rs. 1,75,000 and Rs. 25,000 (Total Rs. 2,00,000).

13.8 The fourth entry is with regard to the receipt of Rs. 5 lakhs from Shri Ahmed Ibrahim Kumar (Saath Rasta). The appellant has explained that this is the sale proceeds of scrap which was sold from the site at Saat Rasta developed by Vratya properties Private Limited and the appellant has filed a copy of the cash book in the case of Vratya properties Private Limited which reflects the sale of scrap of Rs. 5 lakhs. In the circumstances, the assessee's explanation is found acceptable. The A.O. is directed to delete the addition of Rs. 5 lakhs.

13.9 Fifth entry was made on 27.12.2007. It mentions '8 lakhs Soudi'. The appellant has explained that this amount of Rs. 8 lakhs is a cheque given to the

part time accountant Mr. Soudi for a payment of advance tax in the case of Mr. Akashine Traders Pvt. Ltd.

I have gone through the issue. It is seen that the advance tax payment of Rs. 8 lakhs was paid on 15.12.2007 through HDFC Bank cheque whereas the entry in the seized document was made on 27.12.2007. There is no mention of any cheque payment. In these circumstances, the assessee's explanation that this entry is related to advance tax payment in the case of M/s. Akashine Traders Pvt. Ltd. is not acceptable. It is clear that Rs. 8 lakhs was given to Mr. Soudi for some other purpose. This is not reflected in the cash book maintained by the appellant. In the circumstances, this Rs. 8 lakhs is treated as unaccounted cash available with the assessee. In view of this, the addition of Rs. 8 lakhs made by the A.O. is sustained.

13.10 6th and 7th entry read as '50,000 - Sharma' and the entries were made on 10.1.2008. The appellant has submitted that Mr. Sharma is a cashier working in the office of the appellant and Mr. Sharma was given Rs. 50,000/- to hand it over at the residence of the appellant.

I have considered the issue. There is sufficient cash balance available in the books of account. Mr. Sharma is the cashier. Further, during the search proceedings, certain cash was found at the residence which was explained by the assessee that part of the cash belonged to the assessee's business concerns. Considering these facts, the appellant's explanation is accepted. The A.O. is directed to delete the addition of Rs. 1 lakh (Rs. 50,000 + Rs. 50,000).

13.11 8th entry is made on 19.1.2008. It mentions that '16,000 Sharma'. The appellant has submitted that Mr. Sharma is a cashier working in the office of the appellant and Mr. Sharma was given Rs. 16,000/- to hand it over at the residence of the appellant.

This entry is almost similar to earlier two entries. The appellant's explanation is accepted and the A.O. is directed to delete the addition of Rs. 16,000/-.

13.12 9th entry is made on 23.1.2008 and it appears in the seized documents as '50,000 Vinod Kumar'. The appellant has explained that a message was received by the office clerk who made entries in the documents (which was seized), that a cheque of Rs. 50,000 was made to Mr. Vinod which is to be handed over to Mr. Amit and Ms. Pinky Kothari.

It is seen that the appellant could not explain it properly. He has stated that Rs. 50,000 is given to Mr. Vinod Kumar and could not explain for what purpose the payment was made. Further, there is nothing mentioned in the seized document about cheque payment. I hold that the sources for this cash payment is not properly explained. In the circumstances, A.O.'s addition of Rs. 50,000 is sustained.

13.13 10th entry is made on 28.1.2008 and it reads as '5 lacs - Sunil'. The appellant has explained that a message was noted by the office clerk who made entries in the documents (which was seized) about handing over of Rs. 5 lacs cheque to Mr. Sunil Pareira who is an architect in Mr. Sanjay Jain group. This Rs. 5 lakhs was paid by way of cheques of Rs. 1 lakh each totaling to Rs. 5 lakhs to be given to Mr. Bharti Jain, Ankit Parmer, Meena R P and S G Savadi (HUF), the appellant submitted.

I have considered the issue. The entry was made on 28.1.2008. But the above explained payments are reflected in the bank statements on 5.2.2008. Further, it is seen that the entries made in the seized documents is only with regard to cash receipts and payments. In these circumstances, the appellant's explanations are not accepted. The A.O.'s addition of Rs. 5 lakhs is sustained.

13.14 15th entry is made on 29.1.2008 and the entry reads as '1 lac - Topi (Mahesh)'. The appellant has explained that 'Topi Mahesh' is an antisocial element and he was demanding Rs. 1 lac and that is noted by the office clerk.

From the details filed, it is seen that Rs. 1 lac was paid to Mr. Topi Mahesh and this expenditure is not accounted in the books of account and the sources

A.Y. 2008-09

for the cash payment is not properly explained. In the circumstances, addition made by the A.O. of Rs. 1 lac is sustained.

13.15 12th entry is made on 1.2.2008 and it reads as '6- Kaladevi'. The assessee has explained that these are petty expenses incurred for purchase of stationery and books from kalbadevi and are accounted in the books of accounts. A message of expense incurred was noted.

The appellant's explanation appears to be correct and in the circumstances, the A.O. is directed to delete the addition.

13.16 13th entry is made on 1.2.2008 and it reads as '2 - Bandra'. The appellant has explained that these are also petty expenses incurred for visit to Bandra income tax office and are accounted in the books of accounts.

The appellant's explanation is accepted and in the circumstances, the A.O. is directed to delete the addition.

13.17 14th entry is made on 1.2.2008 and reads as '50,000 - Sajid Bhai'. The appellant explains that this is an entry of Rs. 50,000 sent to the residence of Shri Sanjay Jain through Sajid Bhai.

The appellant could not explain who is this Sajid Bhai. In the circumstances, the explanation is not acceptable as the sources for the cash of Rs. 50,000 is not properly explained. Hence, the addition of Rs. 50,000 is sustained.

13.18 15th and 17th entries are made on 1.2.2008 and 8.2.2008 respectively and reads as '1.25 Jigiben' and '1 - Jigiben' respectively. The appellant has explained that this is not a financial transaction. The appellant's explanation is not accepted and the addition made is sustained.

13.19 16th entry is dated 8.2.2008 and reads as '1 - Sanjay Jhaveri'. The appellant has explained that Sanjay Jhaveri is a jewellery broker through whom Jewellery was purchased from Mamai Jewellers and an amount of Rs1000/- was

paid to him. The appellant's explanation is accepted and the A.O. is directed to delete the addition.

13.20 18th entry is made on 12.2.2008 and it reads as '20 Doodhraj'. The appellant has explained that a message was given by Mr. Doodhraj on phone demanding 20 lakhs including interest against loan amounting to Rs 19 lakhs to Sanjay Jain. He was asking to refund the loan along with interest, so an amount of Rs 20 lakhs was demanded and the clerk has noted the same. The appellant submitted that no payment is made as it was just a reminder. The appellant has submitted a copy of Account of Doodhraj along with bank statement and stated that the payment of Rs. 10 Lakh was made after the year ended 31st March, 2008.

The explanation given by the appellant is not acceptable. It is clear that Rs. 20 lakhs was paid to Mr. Doodhraj and it is not reflected in the books of account and the sources for this cash is also not properly explained. In the circumstances, addition of Rs. 20 lakhs is upheld.

13.21 19th, 20th and 21st entries are made on 15.2.2008, 22.2.2008 and 27.2.2008, respectively and each entry reads as '50,000 Vinod Kumar'. The appellant submitted that Shri Vinod Kumar is brother of Shri Sanjay Jain, He was given Rs 50,000 to be given at the residence of the appellant Shri Sanjay Jain. The appellant also submitted that the said amount is paid from the balance available in the books of accounts

The entries and the explanation are similar to the first entry. The explanation is acceptable and the A.O. is directed to delete the addition of Rs. 50,000/-.

13.23 22nd entry is dated 29.2.2008 and reads '30,000 Sharad'. The appellant explained that an amount of Rs 30,000/- was demanded by Sharad for the expenses be incurred at the site.

This expenses is not reflected in the books of account. In view of this, the appellant's explanation is not accepted. Addition of Rs. 30,000/- is upheld.

13.24 23rd entry is dated 29.2.2008 and reads as '50,000 Anil'. The appellant has explained that Mr. Anil is a tenant occupying a small room at a property in Lower Parel called Haji Gani Chawl which is developed by Navkar construction co. in which Mr Sanjay Jain is a partner and all the financial and commercial decision are taken by him. The appellant submitted that the payment of rent started from Oct 2006 and payable for 12 months in advance. The first Year rent was 27,600 and subsequent year the rent was Rs 42,000/- and since there was a delay he was calling and demanded Rs 50,000/- towards its rent for 12 months. The appellant stated that subsequently an amount of Rs 72,000/- was paid to him in month of September 2008.

I have considered the issue. The office clerk has maintained the cash receipts and payments. It is clear that Mr. Anil was paid Rs. 50,000/- and it is not reflected in the cash book. In these circumstances, addition of Rs. 50,000/- is upheld.

13.25 24th entry is dated 1.3.2008 and reads as '25,000 Sharma (Police)'. The appellant explained that Mr Sharma is their cashier who asked the office staff to inform the appellant Mr. Sanjay Jain that Police was demanding Rs 25,000/-.

The office clerk has maintained the cash receipts and payments. It is seen that cash of Rs. 25,000/- was paid to Mr. Sharma for certain expenses and these expenses are not recorded in the books of account. In view of this, addition of Rs. 25,000/- is upheld.

13.26 25th entry is dated 1.3.2008 and reads as '50 - Anil'. The appellant explained that Mr. Anil had again called for the 50 he requested a day before. Mr Anil, as explained above, is a tenant. The payment of rent started from Oct 2006 and payable for 12 months in advance. The first Year rent was 27,600 and subsequent year the rent was Rs 42,000/- . Since there was a delay he was calling and demanded Rs 50,000/- towards its rent for 12 months. The appellant submitted that it is just a noting, no payment is made to him. The A.O. treated 50 as Rs 50 Lakh and added the same.

A.T. 2008-09

I am of the view that it is only Rs. 50,000/- but the sources of this Rs. 50,000 is not properly explained. The A.O. is directed to add only Rs. 50,000/- in the place of Rs. 50,00,000/-.

13.27 26th and 27th entries are dated 4.3.2008 and reads as '1 Sunil' and '1.50 Prasant (Singh work)'. The appellant explained that first entry is the noting is made about Rs 1000/- asked by Sunil towards conveyance and for the second entry it is explained that Mr Singh is a worker to whom Rs. 1500 was paid by Prashant he informed about it that he paid Rs 1500 to Singh, in that context the said noting is made.

The explanation offered is acceptable and the A.O. is directed to delete these additions.

13.28 28th entry is dated 7.3.2008 and reads as '1 Mrs Joshi'. The appellant has explained that Mrs Joshi called up in his office and they do not have any financial relationship with her. The explanation given by the assessee is not accepted. The addition on this account is upheld.

13.29 29th entry is dated 7.3.2008 and reads as '40 lacs Sisodia (Vivek)'. The appellant has explained that he was traveling for the weekend so on 7th March being a Friday he had sent the cash in the office to his residence, amounting of Rs. 40 Lakhs. The appellant stated that Mr. Vivek is a family friend and stays in Prabhadevi and the appellant at Forjett Street, Grant Road.

I have gone through the issue. The appellant's explanation is acceptable. It is found during the search that the appellant used to keep the cash of the business concerns at home. There is sufficient cash available in the books of account of the business concerns and the assessee. The cash balance available as on 8.3.2008 is Rs. 40,11,580/-. Considering these facts, the appellant's explanation is accepted and the A.O. is directed to delete the addition of Rs. 40 lakhs.

13.30 30th entry is dated 8.3.2008 and reads as '1 Topi (Mahesh)'. The appellant has explained that 'Topi Mahesh' is an antisocial element and he was demanding Rs. 1 lac and that is noted by the office clerk.

From the details filed, it is seen that Rs. 1 lac was paid to Mr. Topi Mahesh and this expenditure not accounted in the books of account and the sources for the cash payment is not properly explained. In the circumstances, addition made by the A.O. of Rs. 1 lac in this regard is sustained.

13.31 31st entry is dated 10.3.2008 and reads as '1 Kanti Mehta'. The appellant has explained that it is a noting involving no financial transaction. The explanation given by the appellant is not accepted and the addition on this account is upheld.

13.32 32nd entry is dated 12.3.2008 and reads as '25 lacs Hiteshbhai'. The appellant has explained that the said amount represents cash sent from office to residence of the appellant from the cash available in the books of accounts & the same cash was seized during the day of search out of which an amount of Rs.11,80,000 was offered as income from other sources.

I have gone through the issue. The appellant used to keep the cash belonging to his business concerns at home. During the search, sizable cash was seized. There is sufficient cash balance available in the books of account of the assessee and the business concerns. Total cash balance available as on 12.3.2008 is Rs. 40,11,580. Considering these facts, the appellant's explanation is accepted and the A.O. is directed to delete the addition of Rs. 25 lakhs.

10. Figure wise discussion and elaborate findings after referring the relevant seized material, we also have our concurrence to the order of Ld. CIT (A) on the issue of addition amounting to Rs. 123,77,500/-. We are not inclined to interfere in the findings of the Ld. CIT (A), **hence ground no. 2 raised by the revenue is dismissed.**

11. Ground no. 3 pertains to addition of Rs. 1, 91,000/- made on account of paper seized from the Fort Office. We have gone through the findings of Ld. CIT

(A) vis-a-vis seized documents referred in the assessment order. The findings of Ld. CIT (A) on this issue are as under;-

15.1 Ground No.5 is with regard to the addition of Rs 1,91,000/- on account of the seized material Page No 15 and 16 of A-2. In this regard, the appellant during the appellate proceedings submitted that the said amount is already offered and the addition made by the A.O. amounts to double addition.

15.2 I have gone through the issue. I have also gone through the copy of the computation of total income filed by the appellant along with the return of income. The appellant has included the following as 'Note' and the computation of income reads as follows:-

"Computation of total income"

<u>Income From Capital Gains:-</u>		
As per Statement	6900000	
Less Exempt u/s 54	6900000	NIL
<u>Income from Other sources:-</u>		
Dividend	5011	
Less Exempt	<u>5011</u>	
Bank Interest	23566	
Other income	<u>11000000</u>	<u>11023566</u>
		11023566
Gross Total income		
Less : Deduction under Chapter VI-A		
U/s 80C LIC Premium	100000	
U/s 80D Mediclaim	<u>15000</u>	<u>115000</u>
Total income		10908566
Rounded off u/s 288A		10908570
<u>Tax Position</u>		
Income Tax payable		3221571
Add : Surcharge		<u>322157.1</u>
		3543728.1
Add : Education Cess @ 3%		<u>106312</u>
Balance Tax payable		3650040
		<u>3650040</u>
Less : S.A. paid		NIL
Balance Tax payable/refundable		

Note:

The return was originally filed u/s 139(1) of the Income Tax Act on 29.9.2008 vide Ack. No. 42394180290908 at Centre Circle 24.

During the search & seizure action proceeding as amount of Rs. 160 lakhs was declared out of which Rs. 110 lakhs is disclosed as 'Other income' for the year under consideration. The said disclosure is based on the following:-

1. On account of pages 8, 9, 10 of A/3 seized from residence (Income)	Rs. 95.00 lakhs
2. Cash seized (offered as per Statement u/s 132)	Rs. 11.80 lakhs
3. On account of page No. 15/16 of A-2 from residence	Rs. 1.91 lakhs ←
4. Balance for discrepancies	Rs. 2.29 lakhs
Total	Rs. 110.00 lakhs

15.3 From this, it is seen that the appellant has specifically included Rs. 1.91 lakhs and total income of Rs. 1,09,08,570/- was determined after taking into account of Rs. 110.00 lakhs. Hence, again adding Rs. 1.91 lakhs will amount to double addition. The A.O. is directed to delete the addition of Rs. 1.91 lakhs.

12. We also found that this addition if sustained will tantamount to double addition as the same has specifically included in the total income declared by the assessee and revenue had failed to prove otherwise. In view of this, on this issue we confirm the findings of Ld. CIT (A) and **ground no. 3 raised by revenue is dismissed.**

13. Ground nos. 4 and 5 pertain to addition of Rs. 13, 02,933/- and 1,89,400/- made on account of difference in cash found at home and jewellery found during the course of search respectively. As the assessee has already offered Rs. 11.8 lakhs while declaring income in his return, sustaining this addition will tantamount to double addition which is not justified. This factor of disclosing Rs. 11.8 lakhs while filing return of income is totally ignored by the AO and difference amount of Rs. 13, 02,933/- was added to the income of the assessee. Effectively, he has to consider the figure of Rs. 11.8 lakhs declared by assessee and Rs. 1.37 lakhs (cash in hand available with the wife of the assessee). The relevant findings of the Ld. CIT (A) on both the issues are as under:-

16.1 **Ground No.6** pertains to addition of Rs 13, 02,933/- on account of seized material Page No 15 and 16. The appellant during the appellate proceedings, submitted that the A.O. has ignored the fact that the group cash in hand is Rs 40.11 lakhs as on 13.03.2008 which is sufficient to take care of Cash found at office and residence of Rs 38,00,000. Further, the appellant submitted that the AO only considered cash in Hand of Mr. Sanjay Jain of Rs 15,77,067 and added Rs 13,02,933/- i.e. Difference of Rs. 28.80 Lakh (-) Rs. 15.77 Lakh, but the A.O. did not consider cash in hand of Ms. Sushila Jain of Rs 1.37 lakhs, whereas both Husband and Wife stay at the same premises where Rs 28, 80,000 was found. Therefore, the appellant has prayed that this addition be deleted.

16.2 I have gone through the issue. Out of cash found of Rs. 28,80,000/-, the cash on hand on 13.3.2008 is Rs. 15,77,067/-. The difference is Rs. 13,02,992/-. The appellant's submissions is that the cash balance of Ms. Sushila Jain Rs. 1,37,000/- should be given credit has merits. So, the balance is only Rs. 11,65,993/-. It is seen that the appellant in the computation of total income has already offered Rs. 11,80,000/- (please see the extraction in Ground No.5 above). Hence, there is no addition needs to be made separately. The A.O. is directed to delete the addition of Rs. 13,02,993/-.

Ground No.6 is allowed.

17.1 **Ground No. 7** relates to addition of Rs 1, 89,400 on account of Diamond Jewellery. In this regard, during the course of the appellate proceedings, the appellant submitted that all the Gold Jewellery was duly reflected in the VDIS disclosure and in the case of Diamond Jewellery a small quantity of 0.05 cts valued at Rs 1, 89,400/- was found and the same did not match. Further, the

appellant submitted that the appellant and Ms. Sushila Jain got married in 1993 and that in last 16 years she received diamond Jewellery in small quantity from her parents and brother on the occasion of Diwali, Raksha Bandhan and birth of child and also the quantity is very small and mainly tops and ring of the children. The appellant has prayed that this addition be deleted.

17.2 I have gone through the issue. The appellant's explanation is very general in nature and lacks evidential value. All the other jewellery is explained and reconciled and only this jewellery could not be explained. This shows that the investment is unaccounted. However, it is seen from the computation of total income (please see the extract in Ground No.5 above), the appellant has offered Rs. 2.29 lakhs for balance discrepancies. So that will take care of this unaccounted investment in jewellery. I direct the A.O. to delete the addition of Rs. 1,89,400/-.

14. Our verification vis-a-vis the findings of the Ld. CIT (A) confirms the view that additions as enumerated in ground no. 4 & 5 are not sustainable. **In view of this, Ground no. 4 & 5 raised by revenue are dismissed.**

15. In the result, the appeal filed by the revenue is dismissed.

ITA No. 6611/Mum/2010

16. This cross appeal filed by the assessee is on the following grounds of appeal:-

1. The learned Commissioner of Income Tax Appeals erred in confirming addition at Sr. No. 5, 10, 11, 14, 15, 17, 18, 22, 23, 24, 25 (part), 28, 30 and 31 of the order at page no 10, 11, 12, 13 for A.Y. 2008-09 on the basis of the inscription made on the seized material and rejecting the claim of the appellant that the same pertains to movement of cash from Office to 36 residence & treated the total figures in Lakhs on its own presumptions.

2. The learned Commissioner of Income Tax Appeals has erred in presuming that a proposal requesting Rs. 53, 00,000/- payment in cash, is made in cash for the acquisition of property at Kandivali (E) and treated the same as undisclosed income and added to the total income of the assessee & ignored the fact that confirmation of the party showing payment received till a particular date is also forming part of seized material & MOU entered is showing no payment in cash.

3. The Appellant craves leave to add amend the right to after, add or substrate any grounds of appeal on or before disposal of appeal.

17. We have gone through the contentions of the assessee raised vide ground no. 1. We found its a matter of fact which assessee never raised before the AO and Ld. CIT(A) . First time this question of fact raised before us which is not permissible as per law. We being the second appellate authority cannot accept this plea of assessee being a question of fact never raised before. Only a question of law can be raised before any stage including ITAT. In view of this fact and

settled legal position, we do not find this ground of assessee fit for adjudication at this level, **hence dismissed.**

18. Ground no. 2 pertains to payment made in cash by the assessee for acquisition of property at Kandivali (E). Again the findings of Ld. CIT (A) found to be relevant and reproduced herein below as under:-

14.1 **Ground No.4** is regarding addition of Rs. 53 lakhs based on Page 22 of A-3 paid as cash for a property owned by Bombay Gowrakshak Mandali. In this regard, the appellant submitted that Bombay Gowrakshak Mandali (BGM) was owner of a property at Kandivali and that BGM awarded the said property in an auction to M/s Navkar Construction which is a partnership firm in which Mr.

Sanjay Jain (the appellant) is a partner. The appellant has submitted a copy of the award. The appellant further submitted that Mr. Premjibhai Thakkar (Nathwani) was in possession of a plot having No 51 and 52 owned by BGM and that after the death of Mr. Premjibhai, Mrs. Padmavati Nathwani became the legal heir. Mrs Padmavati Nathwani gave her power of attorney to her daughter Mrs Jyoti Saglani (Daughter). Further, the appellant submitted that Mrs. Jyoti Saglani entered into an MOU with Sanjay Jain on 5th November, 2007 and that Shri Sanjay Jain never entered into any meeting or discussion with any other family members since Padmavati Nathwani was the legal Heir and her power of Attorney was held by Mrs Jyoti Saglani. The appellant submitted that a letter dated 5.12.2007 was addressed to Mrs. Jyoti Saglani who duly confirmed the status of the payments and also stated that out of total agreed consideration of Rs 1.90 cr an amount of Rs 38 lakhs received in her and her mother's name. The said letter forms part of seized material i.e. A-1 page No 4 of the seized documents from Plaza Office. The appellant stated that Mrs Padmavati Nathwani expired on 4th December, 2007 i.e. after the MOU was entered with Sanjay Jain. The appellant also submitted that Mr. Paresh & Mr. Ashok Nathwani son of Padmavati Nathwani on 13th December approached Sanjay Jain and gave a proposal of having Rs. 53 Lakhs in cash & Rs. 120 Lakhs dividend in six parts. This was the first time Mr. Sanjay Jain has met both of them. The appellant submitted that they were not aware of how much payment is made to Ms. Padmavati Nathwani & Ms. Jyoti Saglani, so it was just a proposal received from the son of Padmavati after her death. The appellant contended that the demand for payment of cash was not accepted and as per the MOU entered with Mrs. Jyoti Saglani and Others for Rs 1.90 cr the payments were made. The appellant submitted that no portion of money is paid in cash and that all the payment are made by cheque. Accordingly, the appellant has prayed that this addition be deleted.

14.2 I have gone through the issue. The contents of the said seized material is extracted below:-

13/12/07	<i>Kandivali(E) – Paresh/Ashok Nathwani</i>
	1,73,00,000 (Balance)
	- 3,00,000 (Cash)
	- 50,00,000 (Cash)

	[1,20,00,000] 6 distribution
	↓
1)	Paresh Nathwani - 20,00,000/-
2)	Ashok Nathwani - 20,00,000
3)	Dolly Nathwani - 20,00,000/-
4)	Sangeeta Ruparel - 20,00,000/-
5)	Jyoti Saglani - 20,00,000/-
6)	Neeta Ruparel - 20,00,000/-"

14.3 Initially, the appellant explained to the A.O. that the seized material is connected with the proposal given initially and as per that Rs. 53 lakhs was requested in cash to clear the tenants. During the appellate proceedings, the appellant tried to explain that the proposal came from the sons of Mrs. Padmavati Nathavani after her death and the appellant has stated that the sons gave the proposal as they are not aware of the MOU already entered. Thus, the appellant furnished different explanations at different points of time.

14.4 It is a fact that the seized paper was found in the appellant's premises. It contains details of payment of Rs. 53 lacs in cash. It mentions Rs. 3 lacs cash separately and Rs. 50 lacs separately. This paper starts with words "1,73,00,000 (Balance)". This shows that the balance was Rs. 1,73,00,000 and after that Rs. 3 lakh was paid in cash and again Rs. 50 lacs was paid in cash and the balance of Rs. 1,20,00,000 should be distributed among the 6 claimant. This seized material clearly proves that the payment of Rs. 53 lakhs is made in cash. The appellant's explanations are not acceptable. The A.O.'s action of adding Rs. 53 lacs is upheld.

Ground No. 4 is rejected

19. Concurring with the above findings of Ld. CIT (A), we also confirmed the addition of Rs. 53 lakhs and ground no. 2 raised by the assessee is dismissed.

20. **In the result, appeal of the assessee is dismissed.**

21. In the result, the appeal filed by the revenue is dismissed and appeal filed by the assessee is also dismissed.

Order pronounced in the open court on 7th day of August, 2023.

Sd/-

(AMIT SHUKLA)
JUDICIAL MEMBER
Mumbai, दिनांक/Dated: 07/08/2023
Sr. PS (Dhananjay)

Sd/-

(GAGAN GOYAL)
ACCOUNTANT MEMBER

Copy of the Order forwarded to:

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त(अ)/The CIT(A)-
4. आयकर आयुक्त CIT
5. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT, Mumbai
6. गार्ड फाइल/Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai