

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : A : NEW DELHI

BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER

ITA No.7447/Del/2019
Assessment Year: 2007-08

Babu Lal Arya,
Escape-67, South City-II,
Sector 50,
Nirvana Country,
Gurgaon (Haryana).

Vs ITO,
Ward-70(2),
New Delhi.

PAN: ACZPA8199F

(Applicant)

(Respondent)

Assessee by	:	None
Revenue by	:	Shri Kanav Bali, Sr. DR
Date of Hearing	:	08.11.2023
Date of Pronouncement	:	20.11.2023

ORDER

PER ANUBHAV SHARMA, JM:

The appeal is preferred by the Assessee against the order dated 10.06.2019 of the Commissioner of Income Tax (Appeals)-21, New Delhi, (hereinafter referred as Ld. First Appellate Authority or in short Ld. 'FAA') in appeal No.10570/2016-17 arising out of an appeal before it against the order dated 30.03.2016 passed u/s 271(1)(c) of the Income Tax Act, 1961 (hereinafter

referred as 'the Act') by the ITO, Ward-70(2), New Delhi (hereinafter referred to as the Ld. AO).

2. Heard and perused the record. None has appeared for the assessee though notices have been issued repeatedly. The notices sent by RPAD have been received unserved. As such, no more opportunity is justified. The arguments of the ld. DR were heard who supported the orders of the ld. tax authorities below.

3. The issue raised by the assessee is with regard to addition made u/s 68 of the Act on account of unexplained cash deposits. The assessee has claimed that cash deposits are followed by withdrawals for expenses on behalf of the company for payment at various branches. The assessee is a director in Freight Carrier of India Ltd. which has branches across India. In order to pay lorry charges to driver and labour contractor expenses at different locations, the company transfers or deposits cash in assessee's bank account which the assessee claims to have been withdrawing at different locations and submitting vouchers to the head office. The ld. AO had found the same to be not verifiable and accordingly at time of addition, notice for penalty proceedings u/s 271(1)(c) were issued to which the assessee failed to respond and penalty was levied. In appeal the ld.CIT(A) observed that during the assessment proceedings as also in the penalty proceedings the assessee failed to appear and give adequate explanation as regards the addition u/s 68 of the Act.

4. Taking into consideration the orders of the ld. tax authorities below, we are of the considered view that as the burden to discharge the onus is on the assessee and the assessee has failed to discharge the same, the natural consequence would be to draw an inference that the assessee has furnished inaccurate particulars of income. Even otherwise, when we go through the grounds of appeal, no specific ground is raised challenging the penalty and all the grounds and whatever submitted is with regard to the merits of the addition. The grounds raised by the assessee are accordingly dismissed.

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

Order pronounced in the open court on 20.11.2023.

Sd/-

(M. BALAGANESH)
ACCOUNTANT MEMBER

Sd/-

(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 20th November, 2023.

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Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi