

**आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**INDORE BENCH, INDORE**  
**BEFORE SHRI VIJAY PAL RAO, JUDICIAL MEMBER**  
**AND**  
**SHRIB.M. BIYANI, ACCOUNTANT MEMBER**

**ITA No. 58/Ind/2023**  
**Assessment Year : 2015-16**

M/s. Jayant Security & Finance Limited 56, Mahaveer Swami Pole, Opp. Vashudha Apartment Raopura, Vadodara	<b>बनाम/</b> Vs.	DCIT-2, Bhopal
(Assessee / Appellant)		(Revenue / Respondent)
<b>PAN: AAACJ 4848 G</b>		
Assessee by	Shri Harish Vijaywargiya, CA	
Revenue by	Ms. Simran Bhullar, CIT DR	
Date of Hearing	21.11.2023	
Date of Pronouncement	30.11.2023	

**आदेश/O R D E R**

**Per B.M.Biyani, A.M.**

Feeling aggrieved by appeal-order dated 31.01.2023 passed by learned Commissioner of Income-Tax (Appeals)-3, Bhopal ["CIT(A)"], which in turn arises out of assessment-order dated 13.09.2021 passed by learned DCIT, Central Circle-2, Bhopal ["AO"] u/s 147 read with section 144 of Income-tax Act, 1961 ["the Act"] for Assessment-Year ["AY"] 2015-16, the assessee has filed this appeal on the grounds mentioned in Appeal Memo (Form No. 36).

2. Heard the learned Representatives of both sides at length and case-records perused.

3. Ld. AR for assessee carried us to assessment-order to explain that the case of assessee was re-opened u/s 147 through notice dated 20.03.2020 u/s 148. However, the assessee did not file return of income as required by notices u/s 148 / 142(1), therefore the AO made assessment u/s 147 read with section 144. While framing such assessment, the AO made two additions, namely (i) an addition of Rs. 13,21,75,000/- on account of unexplained investment in securities u/s 69, and (ii) another addition of Rs. 73,52,96,889/- on account of unexplained investment in loans & advances u/s 69. The assessee filed first-appeal and contested those additions but could not make representation before CIT(A). Therefore, the CIT(A) passed ex-parte order confirming the twin-additions made by AO.

4. On merits of additions, Ld. AR made following submissions:

- (i) Regarding addition of Rs. 13,21,75,000/-: The AO has made this addition vide Para No. 5.3 of assessment-order by making a noting that on perusal of Balance-Sheet of assessee, it is seen that during the relevant year, the assessee has made investment of Rs. 13,21,75,000/- in unlisted securities for which no explanation is furnished. In this regard, Ld. AR drew us to Page No. 5 and 9 of the Paper-Book where the Balance-Sheet of assessee is filed and referring to same, successfully demonstrated that the figure of investments as at 31.03.2015 (current year) stood at Rs. 13,21,75,000/- whereas the corresponding figure as at 31.03.2014 (preceding year) was Rs. 13,71,75,000/-. Ld. AR submitted that the AO has, by mistake, picked only figure as on 31.03.2015 and missed to consider the corresponding figure as on 31.03.2014, therefore made a wrong conclusion that the assessee made an investment of Rs. 13,21,75,000/- during current year. Thus, the addition made by AO is based on incorrect fact, which must be deleted.

(ii) Regarding addition of Rs. 73,52,96,889/-: The AO has made this addition vide Para No. 5.4 of assessment-order by making a noting that on perusal of Balance-Sheet of assessee, it is seen that during the relevant year, the loans and advances have increased from Rs. 4,64,74,000/- to Rs. 78,17,70,889/-, which means the assessee has given loans and advances of Rs. 73,52,96,889/- but no explanation is furnished. In this regard, Ld. AR drew us to Page No. 5 and 10 of the Paper-Book where the Balance-Sheet of assessee is filed and referring to same, successfully demonstrated that the figure of loans and advances as at 31.03.2015 (current year) stood at Rs. 78,17,70,889/- [Rs. 1,92,74,000 (+) 76,24,96,889] whereas the corresponding figure as at 31.03.2014 (preceding year) was Rs. 105,99,93,877 [Rs. 4,64,74,000 (+) 101,35,19,877]. Thus, there is decrease and not increase. Ld. AR submitted that the AO has, by mistake, picked a figure of Rs. 4,64,74,000/- only as on 31.03.2014 and missed to consider another figure of Rs. 101,35,19,877; therefore made a wrong conclusion that there was increase in loans and advances during the year. Thus, the addition made by AO is based on incorrect fact, which must be deleted.

5. Ld. DR for revenue placed reliance on orders of lower-authorities and only submitted that the lower-authorities have made/upheld additions since the assessee did not make explanation/representation before them. However, Ld. DR could not rebut or contradict the submissions made by Ld. AR with respect to incorrect figures taken into account by AO.

6. After due consideration, we find that the essence of case is such that the AO has made mistake in picking figures of preceding year from Balance-Sheet and thereby made additions. But the Ld. AR has successfully explained/addressed those mistakes with reference to the very same Balance-Sheet of assessee. Had the AO picked correct figures, there would

not have been any occasion to make additions. We find that the additions made by AO based on incorrect figures mistakenly adopted, are not sustainable. Therefore, we delete the additions made/upheld by lower-authorities. The assessee is successful in this appeal.

**7. Resultantly, this appeal of assessee is allowed.**

Order pronounced in the open court on 30.11.2023.

sd/-  
(VIJAY PAL RAO)  
JUDICIAL MEMBER

sd/-  
(B.M. BIYANI)  
ACCOUNTANT MEMBER

**Indore**

दिनांक /Dated : 30.11.2023

CPU/Sr. PS

Copies to: (1) The appellant  
(2) The respondent  
(3) CIT  
(4) CIT(A)  
(5) Departmental Representative  
(6) Guard File

By order

Assistant Registrar  
Income Tax Appellate Tribunal  
Indore Bench, Indore