

आयकर अपीलीय अधिकरण, कोलकाता पीठ 'ए', कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL "A" BENCH KOLKATA

Before Shri Sanjay Garg, Judicial Member and Rajesh Kumar, Accountant Member

**I.T.A No.1115/Kol/2023
Assessment year: 2017-18**

**Sneha Shaw.....Appellant
C/o S.N Ghosh & Associates,
Advocates, 2, Garstin Place,
Off Hare Street, Kol-1.
[PAN: CTLPS4191N]**

vs.

ITO, Ward-33(5), Kolkata.....Respondent

Appearances by:

Shri Somnath Ghosh, Adv, appeared on behalf of the appellant.

Shri B. K. Singh, JCIT-Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : January 03, 2024

Date of pronouncing the order : January 05, 2024

आदेश / ORDER

संजय गर्ग, न्यायिक सदस्य द्वारा / Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 21.08.2023 of the National Faceless Appeal Centre (hereinafter referred to as the 'CIT(A)') passed u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act').

2. The short dispute involved in this appeal is relating to the addition made by the Assessing Officer and further confirmed by the CIT(A) of Rs. 1,95,75,000/- on account of unexplained credits in the bank account of the assessee.

3. The Assessing Officer observed that the account of the assessee was found credited of Rs.19575000/- out of which a sum of

Rs.1,57,90,000/- was credited by way of transfer of amount from other accounts and Rs.37,85,000/- by cash. However, the assessee could not furnish the requisite details and explanations regarding the source of the aforesaid credits in his bank account. He, therefore, made the impugned additions which has been further confirmed by the CIT(A).

4. At the outset, the ld. Counsel for the assessee has submitted that the assessee could not comply with the notice and furnish the required details before the Assessing Officer as the jurisdiction of the Assessing Officer was abruptly changed without notice to the assessee and even without any order passed to this effect by the competent authority. The ld. Counsel has further submitted that though the assessee furnished the requisite details before the CIT(A) and submitted that the aforesaid credits were out of the sale proceeds relating to the business of the assessee, however, the ld. CIT(A) failed to consider the above submissions.

4.1 The ld. Counsel for the assessee has further submitted that the assessee is a trader in readymade garments. That the assessee during the year has made purchase of readymade garments and sold the readymade garments. That the deposits in the bank account of the assessee were out of the sale proceeds. The ld. Counsel has submitted that the aforesaid contentions of the assessee have not been examined by the lower authorities. He has, therefore, submitted that the assessee may be given an opportunity to present her case before the Assessing Officer and to furnish the requisite details regarding the source of the deposits in the bank account of the assessee.

5. The ld. DR has not objected to the same.

6. In view of the above, the impugned order of the CIT(A) is set aside and the matter is remanded back to the file of the Assessing Officer for decision afresh. Needless to say that the Assessing Officer will give proper opportunity to the assessee to present her case.

7. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

Kolkata, the 5th January, 2024.

Sd/-
[Rajesh Kumar]
लेखा सदस्य /Accountant Member

Sd/-
[Sanjay Garg]
न्यायिक सदस्य /Judicial Member

Dated:05.01.2024.

RS

Copy of the order forwarded to:

1. Sneha Shaw
2. ITO, Ward-33(5), Kolkata
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches