

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE
[THROUGH VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.1279/PUN./2023 [E-APPEAL]
Assessment Year 2018-2019

Tirupati Construction Company, H.No.514, Road, Sawarde, Tal-Chiplun, Dist. Ratnagiri. Maharashtra. PIN-415 606. PAN AAEFT8928L (Appellant)	vs.	The Income Tax Officer, Ward-1, New Central Revenue Bldg., 2 nd Floor, Jail Road, Ratnagiri. Maharashtra. (Respondent)
-----------------------------------------------------------------------------------------------------------------------------------------------	-----	--------------------------------------------------------------------------------------------------------------------------------------

For Assessee :	Shri Pramod S. Shingte
For Revenue :	Shri Manish Mehta

Date of Hearing :	18.03.2024
Date of Pronouncement :	19.04.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2018-19, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1056804503(1), dated 05.10.2023, involving proceedings u/s.143(3) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. The assessee's sole substantive ground raised in the instant appeal challenges correctness of both the learned lower authorities action making sec.68 addition of unexplained cash credits amounting to Rs.19,32,283/- representing credit from a realty entity viz., M/s. Tirupati Construction Prakash JV.

3. Learned DR vehemently argued that the assessee has nowhere been able to prove its identity, genuineness and creditworthiness regarding the impugned credits coming from M/s. Tirupati Construction Prakash JV and, therefore, all of its substantive grounds deserve to be rejected in very terms.

4. The assessee's stand on the other hand is that it has filed additional evidence *inter alia* including the assessment records of M/s. Tirupati Construction Prakash JV; its returns and all other details running into 59 pages forming part of the paper book. Mr. Shingte sought to buttress the point that some of the said documents are indeed in the nature of additional evidence which require to be verified at the Assessing Officer's end. Learned counsel further stated that the assessee could not file all these details before the lower authorities on account of Covid-2019 pandemic outbreak.

5. Learned DR could hardly dispute that all these additional evidences is very much relevant since going to the root of the foregoing sole issue of sec.68 addition made in the lower proceedings.

6. Faced with this situation, I hereby restore the assessee's sole substantive ground back to the Assessing Officer for his afresh appropriate adjudication subject to the rider that it shall be the assessee's risk and responsibility only to plead and prove all the

relevant facts within three effective opportunities of hearing on consequential proceedings. Ordered accordingly.

7. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open Court on 19.04.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 19th April, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "SMC" Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches,
Pune.