

IN THE INCOME TAX APPELLATE TRIBUNAL
Mumbai "E" Bench, Mumbai.

Before Shri Pavan Kumar Gadale (JM) & Smt Renu Jauhri (AM)

I.T.A. No. 1595/Mum/2024 (A.Y. 2017-18)

Harshad M. Joshi 401, Joanna Villa, 28 th Road, Bandra (W), Mumbai-400050. PAN : ADYPJ2637H (Appellant)	Vs.	CIT Appeals Mumbai. (Respondent)
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Assessee by	Shri Chandrashekhar S Madkaikar
Department by	Shri P. D. Chougule (Sr. DR)
Date of Hearing	27.06.2024
Date of Pronouncement	24.07.2024

ORDER

PER RENU JAUHRI (AM) :-

The assessee has filed this appeal challenging the order dated 05-02-2024 passed by Ld CIT(A)-6, Kolkata and it relates to the AY 2017-18.

2. The assessee has raised the following grounds: -

1. *The order of the assessing officer is erroneous as the addition made of Rs.5,72,000/- u/s 143(3) of the Income Tax Act, 1961 is biased and requires to be appealed.*

2. *Credit card payment of Rs.5,72,000/- from cash were done through cash accruals and are reflected in cash book. The source of this case generation can also be documented. However, we were not provided an extended opportunity to provide our contention. Hence we seek relief on addition of Rs.5,72,000/- made by the assessing officer."*

3. The brief facts of the case are that the assessee had filed return of declaring total income of Rs.3,18,810/-. The assessment u/s 143(3) of the Income Tax Act, 1961 (hereinafter "the Act") was finalized after making additions on account of credit card payment of Rs.5,72,000/- in cash and disallowance of contractual payment of Rs.2,35,394/- u/s 40(a)(ia) of the Act on account of non-deduction of TDS. The Ld. CIT(A) has upheld the addition of Rs.5,72,000/- on the ground that the assessee did not submit any evidences regarding the claim that the amounts were received from M/s. Om Steel Industries, a proprietary concern of his mother, by way of loan.

4. Before us, the Ld. AR has submitted that the credit card payments were made out of cash available as per the cash book. The source of cash is also supported by documentary evidences, however, due opportunity was not provided to the assessee by the Ld. CIT(A) to prove his contention.

5. We have heard the rival submissions. In view of the assessee's case about lack of opportunity to substantiate his case, we deem it proper restore the matter to the file of the Ld. CIT(A) for deciding the issue afresh after affording due opportunity to the assessee.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 24/07/2024

Sd/-
(Pavan Kumar Gadale)
Judicial Member

Sd/-
(Renu Jauhri)
Accountant Member

Mumbai.; Dated : 24/07/2024

Vijay Pal Singh, (Sr. PS)

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai.
6. Guard File.

//True Copy//

BY ORDER,

(Assistant Registrar)
ITAT, Mumbai