

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

ITA No. 149/Ind/2024
Assessment Year: 2017-18

Shri Rakesh Khandelwal, 15, Housing Park Colony, Berasia Road, Karod, Bhopal	<u>बनाम/</u> Vs.	Income-tax Officer, 5(3), Bhopal
(Assessee/Appellant)		(Revenue/Respondent)
PAN: ALTPK2267P		
Assessee by	None	
Revenue by	Shri Ashish Porwal, Sr. DR	
Date of Hearing	23.07.2024	
Date of Pronouncement	25.07.2024	

आदेश / O R D E R

Per B.M. Biyani, A.M.:

Feeling aggrieved by appeal-order dated 21.12.2023 passed by learned Commissioner of Income-Tax (Appeals)-NFAC, Delhi ["CIT(A)"] which in turn arises out of assessment-order dated 26.09.2019 passed by learned ITO, Ward 5(3), Bhopal ["AO"] u/s 144 of Income-tax Act, 1961 ["the Act"] for Assessment-Year ["AY"] 2017-18, the assessee has filed this appeal on the grounds as mentioned in Form No. 36.

2. The office-file shows that the notice of hearing on 18.06.2024 was served upon assessee. On hearing date, a written-request was filed by

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assessee's AR through e-mail to ITAT requesting for adjournment whereupon the adjournment was granted to 26.06.2024. On 26.06.2024, again the case was adjourned to 23.07.2024 at the written-request filed by assessee's AR through email. Thereafter, as per report filed by bench clerk, today's hearing was also notified to assessee on the same email address rsc.bpl@gmail.com as supplied in Form No. 36 to which earlier hearings were notified. However, today when the case was called, none appeared on behalf of assessee nor any adjournment request filed. The case was passed over and again taken for hearing at the end of board but still none appeared from assessee's side. Ld. DR for revenue was ready to argue the case and proposed to hear the same ex-parte qua assessee. Therefore, the hearing is proceeded and the case is decided on the basis of material held on record and after hearing Ld. DR for revenue.

3. Ld. DR drew us to assessment-order and showed that the AO, based on an information about cash-deposit of Rs. 20,16,500/- made by assessee in his a/c with Punjab National Bank, Berasia Road, Bhopal during demonetization period from 09.11.2016 to 30.12.2016, issued notice u/s 142(1) dated 27.12.2017 requiring assessee to file his return of income for AY 2017-18 by 31.03.2018 but the assessee did not file any return. Thereafter, the AO issued follow-up/show-cause notices u/s 142(1) or 144 which also remained un-complied with. Ultimately, the AO called bank statement from bank u/s 133(6) and analysed the pattern of cash-deposits made by assessee in preceding financial year 2015-16, current financial year 2016-17 and subsequent financial year 2017-18 and found that the assessee had made extremely high deposit in demonetization period. The AO also observed that the assessee had filed return of other years, showing a very low cash in hand. Therefore, the AO being of the view that the impugned deposits of Rs. 20,16,500/- were made from undisclosed sources, made addition u/s 69A r.w.s. 115BBE. Further, the AO also found from perusal of bank statement that apart from deposit of Rs. 20,16,500/- during demonetization period, there were other credit entries of Rs. 67,65,895/-

also appearing in bank a/c. The AO treated those credit entries as business turnover and assessed income @ 8% of Rs. 67,65,895/- at Rs. 5,41,272/-. Thus, after making these two additions, the AO assessed total income at Rs. 25,57,772/-. Ld. DR submitted that the AO has made a cogent analysis on the basis of material available before him and passed a reasoned order after following the due procedure of section 144. During first-appeal also, the assessee did not make any representation before CIT(A) despite as many as five opportunities given by CIT(A). Therefore, the CIT(A) passed order on merit after considering AO's order and giving his analysis. Only thereafter, the CIT(A) has, on a careful consideration, upheld the additions made by AO. Therefore, the orders passed by lower-authorities making/upholding additions are very much proper, justified and valid and there is no infirmity and perversity; hence they must be upheld.

4. After a careful consideration, we find a strong merit in the submissions of Ld. DR. From the records available before us, we find that the AO has issued statutory notices u/s 142(1) from time to time calling return from assessee as well as filing of explanation/information and the AO has also issued a show-cause notice u/s 144 for proposed best judgement assessment. But the assessee remained non-compliant. Ultimately, the AO called information from bank, made analysis to the best of his judgement and made additions. Before CIT(A) also, the assessee did not make any compliance despite several opportunities. Ultimately, the CIT(A) scrutinized the order of AO as well as bank statement and upheld the additions made by AO finding from his own analysis that the additions were in order. Before us also, the assessee has not provided any assistance, much less filing any evidence, to controvert or rebut the orders of lower-authorities or to make us take any other view. On a careful consideration, we find that the lower-

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authorities have made reasoned analysis based on material available with them. We agree with the concurrent findings made by both of the lower-authorities and do not have reason to infer with them. Accordingly, the orders of lower-authorities are upheld. The assessee fails in this appeal.

5. Resultantly, this appeal is dismissed.

Order pronounced in open court on 25.07.2024

Sd/-
(VIJAY PAL RAO)
JUDICIAL MEMBER

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

Indore

दिनांक /Dated : 25.07.2024

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