

आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर
IN THE INCOME TAX APPELLATE TRIBUNAL
INDORE SMC BENCH, INDORE

BEFORE SHRI MANISH BORAD, ACCOUNTANT MEMBER

ITA No.242/Ind/2024
(Assessment Year: 2011-12)

Anisha Karamchandani, 137, Khushbu, Jawahar Nagar, Neemuch	Vs.	Income Tax Officer, Neemuch
(Appellant / Assessee)		(Respondent/ Revenue)
PAN: AKRPK5859J		
Assessee by	Ms. Nisha Lahoti, AR	
Revenue by	Shri Ashish Porwal, Sr.DR	
Date of Hearing	08.08.2024	
Date of Pronouncement	09.08.2024	

O R D E R

This appeal by the assessee is directed against the order dated 22.02.2024 passed by the Commissioner of Income Tax (Appeals), Mysore for A.Y. 2011-12 which is arising from the assessment orders u/s 143(3) r.w.s. 147 of the Act dated 03.12.2018.

2. Assessee has raised following grounds of appeal:

1. *On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in sustaining the re-assessment order passed by Ld. AO u/s*

147 rws 143(3) which is contrary to the material on records and provisions of the Act, unjust and bad in law.

2. On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in not providing the copy of the approval obtained for issuing notice u/s 148.

3. On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in sustaining the re-assessment order passed u/s 147 rws 143(3) which were initiated merely on the basis of the information received from DDIT (Inv)-II, Indore more particularly without providing the information so gathered to the assessee

4. On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in sustaining the re-assessment order passed u/s 147 rws 143(3) merely on the basis of the third party statement without bringing on record anything specific in relation to the transactions executed by the assessee and without providing the copy of the statement of the third party

5. On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in not providing an opportunity of cross- examination of the third party on whose statement reliance has been placed despite specific request made by the assessee

6. On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in not considering the fact that the assessed had already reported the income of Rs. 1,91,848 in her original return of income filed thereby leading to double taxation

7. On the facts and circumstances of the case and applicable law, Ld. CIT(A) erred in sustaining the addition of Rs. 1,91,848 on a factually incorrect basis that the Ld. AO had made the additon as unexplained expenditure whereas the Ld. AO merely stated that the addition be made to the total income

8. The appellant craves leave to add, amend, alter or otherwise raise any other ground of appeal.

3. At the outset Ld. Counsel for the assessee requested for not pressing legal issues raised in Ground No. 1 to 5. Accordingly Ground No.1 to 5 are dismissed as not pressed.

4. So far as Ground No. 6 & 7 are concerned the issues are raised on merits. Ld. A.O made total addition of Rs.1,91,848/-. Ld. Counsel for the assessee submitted that the alleged sum of Rs.1,91,848/- added by the Ld. A.O already stands offered to tax by the assessee in the Income Tax Return and therefore it tantamount to double addition and the same deserves to be deleted.

5. On the other hand Ld. Departmental Representative fair not to controvert the contentions made by the assessee.

6. I have heard rival contentions and perused the records placed before me. I note that the assessee who is an individual furnished her regular return of income for Assessment Year 2011-12 on 22.12.2011 declaring income of Rs.2,52,690/-. Thereafter case of the assessee was reopened by issuance of notice u/s 148 of the Act

and reassessment proceedings u/s 147 of the Act were carried out for the reason that the assessee had taken accommodation entry of Rs.1,91,848/- from M/s Mega Money Commodities Private Limited. Ld. A.O concluded the reassessment proceedings by making addition of Rs.1,91,848/- to the returned income of Rs.2,52,690/- furnished in the e-return in compliance to notice u/s 148 of the Act and accordingly income assessed at Rs.4,44,538/-.

6.1 On considering the submissions of the Ld. Counsel for the assessee I have perused all the computation of income attached to the original return as well as return filed in reply to notice u/s 148 of the Act. It clearly indicates that the assessee had offered Rs.1,91,848/- as share profit and included the same with other income mentioned under the head income from other sources. After including the income of Rs.1,91,848/- the total income generated in the return is Rs.2,52,688/-. So there remains no dispute to the fact that the alleged sum of Rs.1,91,848/- has already been offered to tax by the assessee in the Income Tax Return. Therefore the alleged addition made by the Ld. A.O is a double addition. I therefore set aside the finding of Ld. CIT(A) and

delete the impugned addition of Rs.1,91,848/- and allow Ground No.6 & 7 of the appeal. Ground No.8 is general in nature which eds no adjudication.

7. In the result appeal of the assessee for Assessment Year 2011-12 is partly allowed.

Order pronounced in the open court on 09.08.2024.

Sd/-

(MANISH BORAD)
Accountant Member

Indore, 09.08.2024

Dev/Sr. PS

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

By order

Sr. Private Secretary
Income Tax Appellate Tribunal
Indore Bench, Indore