

**आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“A” BENCH, CHENNAI**

**माननीय श्री महावीर सिंह, उपध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।**  
**BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

**1. आयकर अपील सं. ITA No.1239/Chny/2023**  
**(निर्धारण वर्ष / Assessment Year: 2016-17)**

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**2. आयकर अपील सं. ITA No.1240/Chny/2023**  
**(निर्धारण वर्ष / Assessment Year: 2017-18)**

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**3. आयकर अपील सं. ITA No.1241/Chny/2023**  
**(निर्धारण वर्ष / Assessment Year: 2018-19)**

<b>Shri Sarangabani Kirubakaran</b> 17/6, First Pillayar Koil Street, Ekkatuthangal, Chennai-600 032.	<b>बनाम/</b> <b>Vs.</b>	<b>DCIT</b> Circle-1(2) Chennai.
<b>स्थायी लेखासं./जीआइआरसं./PAN/GIR No. BUMPK-0892-B</b>		
<b>(अपीलार्थी/Appellant)</b>	<b>:</b>	<b>(प्रत्यर्थी / Respondent)</b>

<b>अपीलार्थीकी ओरसे/ Appellant by</b>	<b>:</b>	<b>Ms.T.V. Muthu Abirami (Advocate)-Ld.AR</b>
<b>प्रत्यर्थीकी ओरसे/Respondent by</b>	<b>:</b>	<b>Shri Nilay Baran Som (CIT) -Ld. DR</b>

<b>सुनवाईकी तारीख/Date of Hearing</b>	<b>:</b>	<b>25-07-2024</b>
<b>घोषणाकी तारीख /Date of Pronouncement</b>	<b>:</b>	<b>04-09-2024</b>

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeals by assessee for Assessment Years (AY) 2016-17 to 2018-19 arises out of the common order of learned Commissioner of Income Tax (Appeals)-18, Chennai, [CIT(A)] dated 13-09-2023 in the matter of separate assessment framed by the Ld. AO u/s.153C of the

Act. Facts as well as issues are substantially the same. First, we take up appeal for AY 2016-17 wherein the only grievance of the assessee is confirmation of addition u/s 69 for Rs.5 Lacs.

2. The Ld AR advanced arguments and submitted that impugned addition u/s 69 represent advance received through banking channels which could not be added u/s 69. This addition does not satisfy the ingredients of Sec.69 since this section is applicable for unexplained investments only. The Ld. CIT-DR, on the other hand, filed written submissions and submitted that the quoting of wrong section would not vitiate the addition made by Ld. AO as held in various judicial decisions. The copies of the same has been placed on record. Having heard rival submissions and upon perusal of case records, our adjudication would be as under.

3. From perusal of para-6.2 of the assessment order, it could be seen that Ld. AO has made impugned addition of Rs.5 Lacs u/s 69 by observing as under: -

*6.2 There is a credit of Rs.5,00,000/- in assessee's bank book which he claims to be "Loan from Mr Sreejith still pending". The assessee has not produced any proof in support of his claim such as confirmation from Mr. Sreejith, purpose of loans received. Therefore, in the absence of any evidences, the nature and source for the credit of Rs.5,00,000/- remains unexplained. Hence, an amount of Rs.5,00,000/- is treated as unexplained investment u/s 69 in the books of the assessee added to the total income of the assessee. Penalty proceedings u/s 271(1)© is initiated separately.*

The Ld. CIT(A) has confirmed the same.

4. Quite clearly, Ld. AO has made addition of credit receipt in bank account of the assessee on the ground that the assessee failed to adduce supporting documents. The amount thus received by the assessee has been treated as unexplained investment u/s 69. We are of the opinion that the provisions of Sec.69 are applicable only where the