

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'B' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Amitabh Shukla, Accountant Member

आयकर अपील सं./I.T.A. No.1724/Chny/2024
निर्धारण वर्ष/Assessment Year: 2015-16

Sukumar Dhanapal,
121/47, Singanna Chetty Street,
Chintadripet, Chennai 600 002.

Vs. The Income Tax Officer,
Non-Corporate Ward 9(1),
Chennai 600 034.

[PAN: ATNPD5850F]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Ms. M. Lavanya, CA
प्रत्यर्थी की ओर से/Respondent by : Ms. Gouthami Manivasagam, JCIT
सुनवाई की तारीख/ Date of hearing : 09.09.2024
घोषणा की तारीख /Date of Pronouncement : 13.09.2024

आदेश / O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 15.02.2024 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2015-16.

2. We find that this appeal was filed with a delay of 59 days. The assessee filed petition in the form of notarized affidavit for condonation of delay stating the reasons. Upon hearing both the parties and on examination of the said affidavit, we find the reasons stated by the

assessee are bonafide, which really prevented in filing the appeal in time.

Thus, the delay of 59 days is condoned.

3. Ground No. 1 raised by the assessee is general in nature and requires no adjudication.

4. Ground No. 2 is not pressed.

5. Ground Nos. 3 to 10 raised by the assessee in challenging the action of the Id. CIT(A) in confirming the addition made under section 68 of the Income Tax Act, 1961 ["Act" in short] in the facts and circumstances of the case.

6. At the outset, we note that as per information available in the department in Multi-year NMS Data, the Assessing Officer found cash deposits in savings bank account and also paid credit bills amounting to ₹.5,47,81,210/-. On perusal of the assessment order, we note that against the draft assessment order proposing to treat the above amount as unexplained money under section 68 of the Income Tax Act, 1961 ["Act" in short], the assessee has neither filed return of income nor reply to the notice under section 148 of the Act or any other material evidence on account of expenses related to the cash deposit. Based on the materials available on record and in the absence of any documentary

evidence/explanations, the Assessing Officer proceeded to complete the assessment under section 147 r.w.s. 144 r.w.s. 144B of the Act, by treating the above deposits as unexplained income of the assessee under section 68 of the Act. Having aggrieved by the order of the Assessing Officer, the assessee preferred an appeal before the Id. CIT(A) and filed additional evidence which was not filed before the Assessing Officer. Since the additional evidences filed by the assessee are not supported by any tangible supporting details, the Id. CIT(A) confirmed the addition made by the Assessing Officer under section 68 of the Act.

7. Before us, the Id. AR Ms. M. Lavanya, C.A. prayed to afford an opportunity to the assessee as the assessee is ready to prosecute its case before the Assessing Officer without fail. Further, she submits that the assessee is ready with all documentary evidences in support of his claim and requested to remand the matter to the file of the Assessing Officer. As discussed above, there was no proper compliance before the Assessing Officer and the Id. CIT(A) with relevant documentary evidences. Taking into account and undertaking as given by the Id. AR on behalf of the assessee that the assessee is ready to prosecute the case without fail, in the interest of natural justice, we deem it proper to remit the matter back to the file of the Assessing Officer for fresh consideration.

The assessee is at liberty to file evidences, if any, before the Assessing Officer. Thus, grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced on 13th September, 2024 at Chennai.

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 13.09.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.