

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "SMC", PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER  
AND  
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.1277/PUN/2024

निर्धारण वर्ष / Assessment Year : 2013-14

Vijay Agencies, Kamdar Road, Latur-413512 Maharashtra PAN : AABFV9377Q	Vs.	ITO, Ward-2, Latur
Appellant		Respondent

Assessee by : Shri Rajendra Agiwal  
Revenue by : Shri B.S. Rajpurohit

Date of hearing : 25.09.2024  
Date of pronouncement : 25.09.2024

**आदेश / ORDER**

**PER INTURI RAMA RAO, AM :**

This is an appeal filed by the assessee directed against the order of National Faceless Appeal Centre, Delhi dated 01.04.2024 passed u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act') for the assessment year 2013-14.

2. Briefly, the facts of the case are that the appellant is a partnership firm engaged in the business of Trading in Machinery parts, Accessories, Industrial Gases, L&T Switchgears etc. The Return of Income for the A.Y. 2013-14 was filed on 29.09.2013 declaring total income of Rs.11,18,058/-. Against the said return of income, the assessment was

completed by the Assessing Officer (AO) at a total income of Rs.1,57,79,720/-. While doing so, the AO made disallowance of Rs.16,80,223/- u/s.40(a)(ia) with which we are not concerned. The AO also made addition of unsecured loans received from the following parties to the tune of Rs.1,29,81,441/- as Income from Other Sources u/s.68 of the Act :

S.No.	Name of the party in whose name the sum is credited	Sum credited under the guise of unsecured loan
1	Agarwal Trading Co.	25,00,000
2	Deepak Digambar Pathak	2,50,000
3	Hanuman Khandsari Sugar Mills	2,50,000
4	Mahavir Gems	77,00,000
5	Nandlal Ramchandra Sarda	2,50,000
6	Pathak Deepak Dinkrao	7,00,000
7	Shrihari Traders	12,00,000
8	Vivek Vijay Gilda	1,31,441
	Total	Rs.1,29,81,441/-

3. Being aggrieved, an appeal was filed before the CIT(A)/NFAC who vide impugned order after calling remand report from the Assessing Officer had deleted the addition u/s.40(a)(ia) of the Act. In respect of unsecured loans, the CIT(A)/NFAC based on the remand report submitted by the AO had deleted the addition in respect of Agarwal Trading Company, Vivek Gilda, Mahavir Gems and upheld the addition in respect of five parties namely, Hanuman Khandsari Sugar Mills, Deepak Digambar Pathak, Nandlal Ramchandra Sarda, Deepak Dinkrao Pathak and Srihari Traders.

4. Being aggrieved by that part of the order of CIT(A)/NFAC which is against the appellant, the appellant is in appeal before us in the present appeal.

5. The ld. AR submitted before us that the CIT(A)/NFAC without dealing the explanation offered by the appellant against the adverse comments of the AO, merely confirmed the addition. Thus, he prayed that the matter be restored to the file of CIT(A)/NFAC for *denovo* adjudication.
6. On the other hand, the ld. DR has no serious objection for remand of the matter to the file CIT(A)/NFAC for *denovo* adjudication.
7. We heard the rival submissions and perused the material on record. We accept the contention of the ld. AR for remanding the matter to the file of CIT(A)/NFAC for *denovo* adjudication since the CIT(A)/NFAC had confirmed the additions without dealing with the explanation offered by the appellant against the adverse comments of the AO. Therefore, we remand the matter to the file of CIT(A)/NFAC with a direction that CIT(A)/NFAC shall deal with the explanation furnished by the appellant against the adverse comments made by the AO and then dispose of the appeal in accordance with law after affording an opportunity of being heard to the appellant.
8. In the result, the appeal filed by the assessee is partly allowed for statistical purposes.

Order pronounced on this 25<sup>th</sup> day of September, 2024.

**Sd/-**  
**(S.S.GODARA)**  
**JUDICIAL MEMBER**

**Sd/-**  
**(INTURI RAMA RAO)**  
**ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक / Dated : 25<sup>th</sup> September, 2024.  
Satish

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
4. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.