

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH: CHENNAI

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T. VARKEY, JUDICIAL MEMBER AND
SHRI JAGADISH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1524/Chny/2024
निर्धारण वर्ष /Assessment Year: 2013-14

Suresh,
No.265, Old MIG New Housing Unit Vs. The Income Tax Officer,
Thanjavur – 613 005. CHE-W-(192)(16), Chennai.
[PAN: BRXPS 9355M]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by : Shri V. Karthick Krishnan, C.A
प्रत्यर्थी की ओर से /Respondent by : Ms. Babita, JCIT

सुनवाई की तारीख/Date of Hearing : 09.10.2024
घोषणा की तारीख /Date of Pronouncement : 30.10.2024

आदेश / ORDER

PER JAGADISH, A.M :

Aforesaid appeal filed by the assessee for Assessment Year (AY) 2013-14 arises out of the order of Learned Commissioner of Income Tax, National Faceless Appeal Centre (NFAC), Delhi [hereinafter "CIT(A)"] dated 09.05.2024 in the matter of assessment framed by the Assessing Officer [AO] u/s. 147 r.w.s 144B of the Income-tax Act,1961 (hereinafter "the Act") on 28.03.2022.

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2. The effective ground of appeal in this appeal of assessee is against confirming the addition of Rs. 13,04,454/- by estimating income @8% of cash deposited in the saving bank account.

3. The assessee has deposited cash of Rs 1,99,62,640/- in his saving bank account but has not filed return of income. The Department accordingly reopened the assessment by issuing notice u/s. 148 of the Act. The assessee in response to notice u/s. 148 of the Act has filed the return of income declaring total income of Rs.4,49,163/- by estimating 5% of the cash deposit as commission income. The A.O estimated the income @ 8% as the assessee could not produce any documents, agreement etc., in support of his contentions that he has earned commission only @ 5%. The Ld. CIT(A) has confirmed the addition.

3. The Ld. Authorized Representative (A.R) of the assessee before us has submitted that the assessee was Branch Manager and working for the company CISB Facility Services Pvt. Ltd. involved in providing security services across India and responsible for maintenance of the Thanjavur activities of security services for manpower, maintenance of attendance of the manpower and settlement of salary etc. The Ld. AR

has stated that the cash deposited related to the collection of security services on which he has earned 5% of commission for the services and shown income accordingly.

4. The Ld. Departmental Representative (DR), on the other hand, supported the orders of authorities below and argued that the assessee has not submitted any documentary evidence in support of his contention and therefore A.O was justified to estimate income @8% as provided in section 44AD.

5. We have heard the rival submissions, and perused the materials available on record. The case was reopened as the assessee has deposited cash to the tune of Rs. 1,90,62,240/- in his saving bank account with Axis Bank but has not filled his return of income. In response to notice issued u/s. 148 of the Act, the assessee has filed return of income of Rs. 4,49,163/-. The A.O estimated income @ 8% of amount deposited in the bank account as the assessee has not been able to substantiate the basis of income @5% filed in the return of income. The Ld. AR during assessment proceedings has stated that he only earns 5% commission income, however has not been able to substantiate the same and therefore, taking help of the provisions of

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Section 44AD of the Act, the Ld. A.O estimated the income @ 8% of the total receipt of Rs. 2,00,46,640/-. The Ld. CIT(A) has confirmed the addition as the assessee has not been able to substantiate his case. We do not find any infirmity in the order of Ld. CIT(A) and the AO as the assessee has not been able to substantiate the income shown in the return of income by documentary evidences. The assessee before us has also not submitted any documentary evidence in support of his contention of 5% commission. We accordingly uphold the order of Ld CIT(A) and confirm the addition made by the A.O.

6. In the result, the appeal filed by the assessee is dismissed.

Order pronounced on 30th October, 2024.

Sd/-
(एबी टी. वर्की)
(ABY. T. Varkey)

न्यायिक सदस्य / Judicial Member

Sd/-
(जगदीश)
(Jagadish)

लेखा सदस्य / Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 30th October, 2024.

EDN/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

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

