

IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH KOLKATA

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER
AND SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER**

**ITA No. 939/KOL/2024
Assessment Year: 2017-18**

Polba Samabay Krishi Unnayan Samiti Limited, Polba, Polba Dadpur, Hooghly - 712154 (PAN: AAAA18046A)	Vs	ITO Ward, 24(2), Hooghly, Aayakar Bhavan, G.T. Road, Khadina More, Chinsurah, Hooghly - 712102
(Appellant)		(Respondent)

Present for:

Appellant by : Promit Majumdar, Advocate
Respondent by : P.P. Barman, Addl. CIT, Sr. DR
Date of Hearing : 23.10.2024
Date of Pronouncement : 24.10.2024

ORDER

PER SANJAY AWASTHI, ACCOUNTANT MEMBER:

This appeal filed by the assessee is against the order of the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi (hereinafter referred to as "the Ld. CIT(A)") passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as "the Act") for AY 2017-18, dated 03.08.2023. The impugned order itself has been passed against the assessment order u/s 143(3) of the Act, dated 30.12.2019.

1. In this case, there is a delay of 210 days for which the Appellant has filed an affidavit dated 02.08.2024 in which it has been averred that due to a dispute between two factions within the appellant society, the working committee was not given access to the necessary documents relevant for

filing the appeal. Considering the reasons given in the said affidavit the delay is hereby condoned and this appeal is admitted for adjudication.

2. In this case vide order dated 30.12.2019, the Ld. AO made an addition of Rs. 1,32,70,000/- u/s 69 of the Act. Another addition of Rs. 3,30,079/- has also been made on account of interest received allegedly from a bank other than a cooperative bank. This amount has been assessed as income from other sources, outside the purview of section 80P of the Act. It has been recorded by the Ld. AO on page 2 of his order that the Appellant had shown a sudden increase in sales and advances from customers. The assessee could not justify this as no stock register, purchase register, sales register, bills etc. were produced for examination.

2.1 The Appellant carried this matter before the Ld. CIT(A) where also he did not succeed and the issue was held against him on the ground that relevant documentary evidences were not produced before the Ld. AO to justify the amount of cash received or even establishing the status of the Bank from which the impugned amount of interest was earned.

2.2 Aggrieved with this action of Ld. CIT(A), the Appellant has filed the present appeal challenging the action of Ld. AO through two substantive grounds of appeal, in line with the two issues discussed above.

3. Before us, the Ld. AR stated that copies of bank statements, audited accounts, bye laws of the society etc. were produced but still the Ld. AO chose to take an adverse view.

3.1 The Ld. DR relied on the orders of authorities below and stated that the onus cast on the assessee was not discharged since he did not produce the relevant documents as required.

4. We have carefully considered the rival contentions and also gone through the orders of authorities below. Since the Appellant could not produce relevant documents before the Ld. AO to justify the addition made

u/s 69 of the Act, it is felt that this matter deserves to be restored back to the file of Ld. AO for adjudicating this issue afresh after giving opportunity of being heard to the Appellant. Regarding the second issue of receiving interest from alleged non-cooperative bank, it is again felt that the status of the bank from which the impugned amount has been received should be re-examined at the level of Ld. AO for determining the fate of this amount with respect to section 80P of the Act.

4.1 In light of these observations this matter is restored to the file of the Ld. AO. Accordingly, this appeal is treated as allowed for statistical purposes.

5. In the result, the appeal of assessee is allowed for statistical purposes.

Order pronounced in the open court on 24th October, 2024.

Sd/-
(Sanjay Garg)
Judicial Member

Sd/-
(Sanjay Awasthi)
Accountant Member

Dated: 24th October, 2024

AK, P.S.

Copy to:

1. The Appellant:
2. The Respondent.
3. CIT(A)
4. The CIT,
5. DR, ITAT, Kolkata Bench, Kolkata

//True Copy//

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata