

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

श्री मनु कुमार गिरि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI MANU KUMAR GIRI, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1703 /Chny/2024
निर्धारण वर्ष /Assessment Year: 2013-14

Natarajan Rajmohan
No.18, Sri Vari Garden,
New Siddhapudur,
Coimbatore
Tamil Nadu-603105.
[PAN: ADSPR9161J]

Income Tax Officer,
Vs. Non Corp, Circle-2,
Coimbatore

आयकर अपील सं./SA-33 /Chny/2024
निर्धारण वर्ष /Assessment Year: -

Natarajan Rajmohan
No.18, Sri Vari Garden,
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Vs Income Tax Officer,
Non Corp, Circle-2,
Coimbatore

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Shri M.Karunanantham, Advocate,
Ms.Gouthami Manivasagam, JCIT

सुनवाई की तारीख/Date of Hearing

: 19.08.2024

घोषणा की तारीख /Date of Pronouncement

: 13.11.2024

आदेश / ORDER

PER AMITABH SHUKLA, A.M :

This appeal is filed against the order bearing DIN & Order No.ITBA/NFAC/S/250/2024-25/1065089497(1) dated 23.05.2024 of the Learned Commissioner of Income Tax [herein after "CIT(A), National Faceless Appeal Center[NFAC], Delhi, for the assessment years 2013-14. Through the aforesaid appeal the assessee has challenged order u/s 250 dated 23.05.2024 passed by NFAC, Delhi.

2.0 The appellant through its 15 grounds of appeal has challenged addition of Rs.1.47 Crs made by the Ld. AO vide his order dated 29.03.2016. All the grounds of appeal are centered around the addition of Rs.1.47 Crs made by the Ld.AO u/s 68. All the grounds being on common issue are adjudicated together. Brief factual matrix is that the Ld. AO noted that the appellant had received advances of Rs.1.47 Crs during the year under consideration. The Ld. AO asked to submit details so as to prove identity, credit worthiness and genuineness of transactions. The assessee applied return of income as well as cash book of the persons having given advances. The Ld. AO rejected assessee's explanation on the premise that the concerned persons had not filed any

earlier returns but only for AY-2013-14 & 2014-15 and that too manually. The returns were reportedly filed in ASK center during the course of assessment proceedings. The return income was below Rs.2.5 lakhs. The cash books of the persons showed huge opening balances and no worthwhile cash inflow. The advances were received in cash. The Ld. AO noted several other deficiencies indicated in para 4.3 of his order on page-3 & 4 of the assessment order and proceeded to conclude that the impugned advances were ingenuine, sources were unproved. The Ld. First Appellate Authority concurred with the findings of the Ld. Assessing Authority. While doing so, he noted in para-6 that the appellant had not responded to the multiple hearing notices issued by him leading to the only conclusion that appellant is not interested in prosecuting the appeal.

In his detailed findings contained in Para-6.1 to 6.3.3 on page-7 to 9 of his order he concluded that the assessee has failed to satisfactorily prove the credit worthiness of lenders and the genuineness of the transaction.

3.0 The Ld. Counsel for the assessee fiercely contested the decision of the Ld. CIT(A) on the premise that he has not appreciated the facts properly and that the order deserves to be set aside. In support of its contentions, the Ld. AR attempted to find faults in the order of lower authorities. The Ld. DR on the other hand would like to rely upon the

order of lower authorities. It was argued that the decision is based upon current understanding and appreciation of the facts of the case.

4.0 We have heard rival submissions in the light of material available on records. It is not in dispute that the impugned addition falls in the realm of provisions of section 68 of the act. The receipt of advances of Rs.1.47 Crs by the assessee, largely in cash is also not in dispute. The Ld. AO and Ld. First Appellate Authority have vividly brought on records that the details provided by the assessee were not fully satisfying the troika of identity, credit worthiness and genuineness of transactions prescribed u/s 68. It is trite law that the primary onus of satisfying stipulations of section 68 rests upon the taxpayer. The assessee has also not been able to explain as to what prevented it from making compliances to the statutory notices issued by the Ld. First Appellate Authority. Accordingly, we do not find any infirmity in the order of Ld. CIT(A) which requires any intervention. The order of Ld. First Appellate Authority is therefore sustained and all the grounds of appeal raised by the assessee are dismissed.

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

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SA-33 /Chny/2024

6.0 In view of the decision in ITA No.1703/ Chny/2024 Supra, the SA filed by the appellant does not require any specific adjudication and hence also stands concluded.

Order pronounced on 13th , November-2024.

Sd/-
(मनु कुमार गिरि)

(Manu Kumar Giri)

न्यायिक सदस्य / Judicial Member

Sd/-

(अमिताभ शुक्ला)

(amitabh shukla)

लेखा सदस्य /Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 13th , November-2024.

EDN/-

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