

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

श्री यस यस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI SS VISWANETHRA RAVI, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER
आयकर अपील सं./ITA No.1747/Chny/2024
निर्धारण वर्ष /Assessment Years: 2017-18

Sainath Traders,
No.963/7, Crescent Court,
Ground Floor, E.V.R. Periyar Road,
Chennai-600 084.
[PAN: ACXFS6266R]

Income Tax Officer,
Non-Corporate Ward-6(2),
Chennai

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by

: Shri S.Girish Kumar, Advocate

प्रत्यर्थी की ओर से /Respondent by

: Ms.Gouthami Manivasam, JCIT

सुनवाई की तारीख/Date of Hearing

: 11.09.2024

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/250/2023-24/1060558274(1) dated 06.02.2024 of the Learned Commissioner of Income Tax [herein after "CIT(A), National Faceless Appeal Center[NFAC], Delhi, for the assessment years 2017-18. Through the aforesaid appeal the assessee has challenged order u/s 250 dated 06.02.2024 passed by NFAC, Delhi.

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2.0 It has been noted that there is a delay of 73 days in the case, in filing of this appeal before the tribunal. In its affidavit the assessee has pleaded that the managing partner of the assessee firm is residing overseas in UAE for the purposes of his employment and hence timely compliance could not be made to appellate responsibilities. It was submitted that soon upon his visit to India steps were taken and appeal was filed albeit with a delay of 73 days. It was submitted that the delay was neither intentional nor deliberate. All these circumstances contributed to the delay which was neither willful nor wanton. We have considered the justification put forth by the assessee, even though the assessee was not present during hearing, and we are satisfied with their adequacy. We are also conscious of the fact that no litigant gains by intentionally delaying its own matters. The Ld. DR did not pose any serious objections to the delay. Accordingly, we hereby condone the delay and proceed to adjudicate this appeal.

3.0 Before proceeding further, we deem it necessary to examine the factual matrix of this case. The assessee is a scrap dealer. During the course of scrutiny proceedings, the Ld. AO noted that the assessee had deposited SBN notes amounting to Rs.57,98,500/- in his bank accounts with Bank of India during the demonetization period. It was also noted that an amount of Rs.14 lakhs was introduced as capital in

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the partnership firm. After examining the capital account of the partner and the cash deposits in the bank account the Ld. AO queried the assessee to justify sources thereof. On page-2 of his order, the Ld. AO has clearly recorded that the assessee did not offer any explanation. Consequently the AO proceeded to make the addition of Rs.57,98,500/- and of Rs.14 lakhs. In appeal, the Ld. First Appellate Authority gave part relief to the assessee. As regards, the addition of Rs.57,98,500/- he held that the Ld. AO has not given the assessee benefit of Rs. 14 lakhs qua declaration made in the Pradhan Manthri Gareeb Kalyan Yojana and hence confirmed the addition of Rs.43,98,500/-. As regards the addition of capital introduced the Ld. First Appellate Authority gave relief of Rs.6 lakhs again qua declaration made in the Pradhan Manthri Gareeb Kalyan Yojana reported by the assessee.

4.0 We have examined the case in the light of material available on records. The Ld. DR would like us to believe that the order of the Ld. AO is based upon correct understanding of the facts. It is an undisputed fact of the case that the Ld. CIT(A) has allowed relief to the assessee to the extent the assessee had provided documentary support. During the course of the present proceedings, the assessee has not adduced any evidences in support of grounds of appeal raised by it.

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The order of the Ld. First Appellate Authority has been found to be based upon correct understanding and appreciation of the facts before him. We are therefore of the view that no interference is called for in the impugned order of Ld. First Appellate Authority at this stage. Accordingly, we sustain the order of Ld. CIT(A) and dismiss all the grounds of appeal raised by the assessee.

5.0 In the result, the appeal of the assessee is dismissed.

Order pronounced on 13th, November-2024 at Chennai.

Sd/-

(यस यस विश्वनेत्र रवि)

(SS Viswanethra Ravi)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(श्री अमिताभ शुक्ला)

(Amitabh Shukla)

लेखा सदस्य / **Accountant Member**

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

KB/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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