

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

**Before Shri Satbeer Singh Godara, Judicial Member &
Shri Amarjit Singh, Accountant Member**

ITA No.08/Coch/2024 : Asst.Year 2013-2014

ITA No.09/Coch/2024 : Asst.Year 2014-2015

Sri.Gino Job Kulappurackal House Anaparampal North P.O. Thalavedy, Alleppey – 689 577. PAN : ATRPJ9754A.	v.	The Assistant Commissioner of Income-tax, Kochi.
(Appellant)		(Respondent)

Appellant by : Sri.R.Krishnan, CA
Respondent by : Dr.S.Pandian, CIT-DR

Date of Hearing : 23.08.2024	Date of Pronouncement : 07.11.2024
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ORDER

Per Bench :

These assessee's twin appeals ITA.Nos.08/Coch/2024 & 09/Coch/2024 for assessment years 2013-2014 and 2014-2015, arise out of the orders of the Commissioner of Income-tax (Appeals) / NFAC vide DIN & Order No.ITBA/NFAC/S/250/2023-24/1058671711(1) & No.ITBA/NFAC/S/250/2023-24/1058673082(1), both dated 12.12.2023 in proceedings u/s.147 r.w.s. 144 of the Income-tax Act, 1961; in short "the Act" hereinafter, assessment year-wise, respectively.

Heard both the parties. Case files perused.

2. It emerges at the outset that the Assessing Officer added assessee's cash deposit of Rs.6,69,39,155 and Rs.6,41,12,094; assessment year-wise, respectively, as his unexplained investment. The assessee preferred his

separate appeals wherein the CIT(A)'s identical detailed discussion in pages 3-4 has accepted his contentions in principle that the said deposits infact stood explained since subsequently credited to his employer [BSNL's] account. What is the point of dispute herein is in view of these facts and circumstances the Id.CIT(A) has deleted the foregoing identical addition on one hand but assessed 5% each thereof as assessee's service charges in the interest of the revenue".

3. Both the representatives reiterated their stands against and in support of the impugned addition. We are of the considered view that once the CIT(A) has deleted the impugned addition(s) in issue, there is hardly any valid justification for him to assess the same once again at 5% in issue. That being the case, we deem it appropriate to reverse the learned lower authorities impugned addition. Ordered accordingly.

4. These, assessee's twin appeals ITA No.08 & 09/Coch/2024 are allowed, in above terms. A copy of the common order be placed in the respective case files.

Order pronounced in the open court on this 07th Day of November, 2024.

Sd/-
(Amarjit Singh)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Cochin ; Dated : 07th November, 2024.
Devadas G*

Copy to :

1. The Appellant.
2. The Respondent.
3. The CIT Concerned.
4. The DR, ITAT, Cochin.
5. Guard File.

Asst.Registrar/ITAT, Cochin