

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

**Before Shri Inturi Rama Rao, Accountant Member
&
Shri Prakash Chand Yadav, Judicial Member**

ITA No.477/Coch/2023 : Asst.Year 2010-2011

M/s.Three Lines Properties Door No.OP 7/813, Omassery Panchayath Kozhikode – 673 570. PAN : AAIFT4083G	v.	The Income Tax Officer Ward 2 Kozhikode.
(Appellant)		(Respondent)

Appellant by : Sri.Richard Mathew, CA
Respondent by : Smt.Leena Lal, Senior AR

Date of Hearing : 19.11.2024	Date of Pronouncement : 29.11.2024
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ORDER

Per Prakash Chand Yadav, JM :

The present appeal by the assessee arising from the order of the learned Commissioner of Income-tax (Appeals) dated 27th April,2023 and relates to the assessment year 2010-2011.

2. The assessee has raised four grounds, out of which ground No.4 is general in nature and in ground Nos.1 to 3, the assessee has craved that he may be permitted to place on record the additional evidences to explain the source of cash deposited in its bank account.

3. Facts giving rise to the filing of the present appeal are that the assessee is a partnership firm could not file its return of income for the impugned year. Thereafter on verification it

has come to the notice of the Department that the assessee has purchased a property via auction for an amount of Rs.9,00,00,000/-(Nine Crore). Based on this information, the case of the assessee was reopened u/s.147 r.w.s. 148 of the Income-tax Act. During the course of reassessment proceedings, the Assessing Officer asked for the source of Rs.9,00,00,000/-(Nine Crore). The assessee responded, that the source was capital contribution from the partners. The A.O. after verifying the documents accepted the claim of the assessee. Thereafter the A.O. asked for the source of Rs.40 lakh deposited by the assessee in cash in its bank account. However, the assessee failed to substantiate the source of cash deposited in its bank account and accordingly the A.O. framed the assessment.

4. Aggrieved with the order of the A.O., the assessee filed appeal before the ld.CIT(A) and wanted to place certain additional evidences. However, the ld.CIT(A) observing that the assessee has not filed any formal application for the admission of additional evidences, the additional evidences filed by the assessee cannot be taken on record, and thereafter, the CIT(A) dismissed the appeal of the assessee.

5. Aggrieved with the order of the CIT(A), the assessee has come up in appeal before us. At the outset, the learned Counsel for the assessee pleaded that the additional evidences filed before the ld.CIT(A) may kindly be taken on record and the CIT(A) may kindly be directed to decide the matter afresh.

6. The learned Departmental Representative relied upon the orders of the authorities below.

7. We have heard the rival submissions and perused the material available on record. Considering the facts and circumstances of the case, we are of the view that the assessee may be given one more opportunity before the Id.CIT(A). Accordingly, we direct the Id.CIT(A) to take the evidences on record and decide the matter afresh in accordance with law. Needless to say that the CIT(A) would grant sufficient opportunity to the assessee for representing its case.

8. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on this 29th day of November, 2024.

Sd/-
(Inturi Rama Rao)
ACCOUNTANT MEMBER

Sd/-
(Prakash Chand Yadav)
JUDICIAL MEMBER

Cochin; Dated : 29th November, 2024.
Devadas G*

Copy to :

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

Asst.Registrar/ITAT, Cochin