

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'D' BENCH
MUMBAI**

**BEFORE: SHRI AMARJIT SINGH, ACCOUNTANT MEMBER
&
SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER**

**ITA No. 2679/MUM/2024
(Assessment Year : 2014-15)**

Deepa Shinde A/1406, Ashok Tower CHSL, Dr. Babasaheb Ambedkar Marg, Parel-400012.	Vs.	Income Tax Officer 22(1)(6) Piramal Chambers, Mumbai-400012.
PAN/GIR No. EDRPS5673H		
(Appellant)	..	(Respondent)

Assessee by	Shri. Bhupendra Shah
Revenue by	Shri. R. R Makwana, Sr. DR
Date of Hearing	28/10/2024
Date of Pronouncement	08/01/2025

आदेश / ORDER

PER SUNIL KUMAR SINGH (J.M):

1. This appeal has been preferred against the impugned order dated 18.04.2024 passed in Appeal no. NFAC/2013-14/10111578 by the Ld. Commissioner of Income-tax(Appeals)/ National Faceless Appeal Centre (NFAC) [hereinafter referred to as the "CIT(A)"] u/s. 250 of the Income-Tax Act, 1961 [hereinafter referred to as "Act"] for the Assessment year [A.Y.]

2014-15, wherein learned CIT(A) has partly allowed assessee's appeal.

2. The brief facts state that the assessee did not file return of income for A.Y. 2014-15. On the basis of information available on AIR. It was noticed by learned assessing officer that the assessee purchased an immovable property to the tune of Rs. 5,65,00,000/- during the F.Y.2013-14 relevant to A.Y. 2014-15. Notice u/s. 148 of the Act was issued and served upon the assessee on 24.03.2021. Assessee did not file any return of income in response to notice u/s. 148 of the Act. Notices u/s. 142(1) dated 24.07.2021 and 21.02.2022 and final show-cause notice dated 16.03.2022 were also issued and served upon the assessee through her registered e-mail ID. The appellant assessee did not respond to the aforesaid notices. Learned assessing officer proceeded to carry out the best judgement assessment u/s. 144 of the Act and assessed the total income of the appellant assessee at Rs. 5,65,00,000/- as an unexplained investment u/s. 69 of the Act. Aggrieved, assessee filed an appeal before learned CIT(A), who partly allowed the appeal by deleting Rs. 4,00,00,000/- but confirmed the remaining part of the addition of Rs. 1,65,00,000/-.
3. Aggrieved by the impugned order, assessee preferred this appeal on the ground that learned CIT(A) has erred in confirming the part of the addition of Rs. 1,65,00,000/-, ignoring the fact that the appellant assessee is just a second holder in the convenience of immovable property, purchased entirely through the banking

channel by her husband Mr. Devendra Shinde, being the primary owner of the said property.

4. We have perused the records and heard learned representatives for the parties.
5. Learned representative for the assessee has submitted that the said property was purchased by the appellant's husband and appellant was made the joint holder in the property. Out of the entire payment made by assessee's husband, an amount of Rs. 1,65,00,000/- was paid out of the sale proceeds of old residential house owned by him and the remaining Rs. 4,00,00,000/- was paid by taking loan by him from Citi Bank. The date wise details of the payment have been demonstrated in the affidavit filed by the husband of the assessee. Prayed to set aside the impugned order and delete the addition.
6. Learned DR has submitted that the source to the extent of Rs. 1,65,00,000/- was not disclosed before learned CIT(A). Supported the impugned order.
7. We notice that the assessee did not respond to the various notices issued by the learned assessing officer. In absence of any explanation in respect of the source of consideration of Rs. 5,65,00,000/-, the entire amount was added in the total income of the assessee by learned assessing officer. However, on the basis of the assessee's response dated 04.04.2024 filed before the first appellate authority, learned CIT(A) was satisfied in respect of the source of Rs. 4,00,00,000/- as loan taken by appellant's husband Shri. Devendra Ramchandra Shinde from

Citi Bank. Learned CIT(A) also observed that there were certain withdrawals by appellant's husband but the purpose of the withdrawal was not disclosed. Hence, in absence of corroborative evidence, the remaining part of addition of Rs. 1,65,00,000/- was confirmed. We observe that the bank statements of assessee's husband Mr. Devendra Ramchandra Shinde are part of the assessee's paper book at page 33 to 36. There are withdrawal entries of Rs. 80,00,000/- dated 19.05.2013, Rs. 30,00,000/- dated 23.05.2013, Rs. 30,00,000/- dated 27.05.2013 from cosmos Bank account and Rs. 25,00,000/- dated 27.05.2013 from ICICI Bank account of Shri. Devendra Ramchandra Shinde (assessee's husband). However these entries for a total sum of Rs. 1,65,00,000/-, require verification. We accordingly restore the matter back to the file of learned assessing officer for verification of the same. We direct the assessee to be diligent and cooperative in attending the hearings and making submissions before the learned assessing officer. Needless to say that learned assessing officer shall ensure the observance of the principles of natural justice. Learned assessing officer shall, after verification of the aforesaid bank transactions, pass order in accordance with law.

8. In the result, the appeal is allowed in above terms. The part of the impugned order dated 18.04.2024 and whole of the assessment order dated 27.03.2022 are set aside. The appeal is restored back to the file of the learned assessing officer to pass

order afresh in view of what has been observed by us hereinabove.

Order pronounced in open court on 08.01.2025.

Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER

Sd/-
(SUNIL KUMAR SINGH)
JUDICIAL MEMBER

Mumbai; Dated 08/01/2025
Anandi Nambi, *Steno*

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai