

**आयकर अपीलीय अधिकरण, विशाखापटणम पीठ, विशाखापटणम**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**VISAKHAPATNAM “DIVISION” BENCH, VISAKHAPATNAM**  
**(HYBRID HEARING)**

**श्री ललित कुमार, न्यायिक सदस्य एवं श्री एस बालाकृष्णन, लेखा सदस्य के समक्ष**  
**BEFORE SHRI LALIET KUMAR, HON’BLE JUDICIAL MEMBER**

**&**

**SHRI S BALAKRISHNAN, HON’BLE ACCOUNTANT MEMBER**

**आयकर अपीलसं./I.T.A.No.467/VIZ/2024**  
**(निर्धारण वर्ष/ Assessment Year: 2016-17)**

<b>Golagani Sreenivas</b> D.No. 18-97 Old Diary Farm, Pedagadili Visakhapatnam – 530040 Andhra Pradesh <b>[PAN: AGOPG4394D]</b>	v.	<b>Income Tax Officer – Ward-5(1)</b> Income Tax office Direct Taxes Building MVP Colony Visakhapatnam – 530017 Andhra Pradesh
<b>(अपीलार्थी/ Appellant)</b>		<b>(प्रत्यर्थी/ Respondent)</b>

करदाता का प्रतिनिधित्व/ Assessee Represented by	:	Shri GVN Hari, Advocate
राजस्व का प्रतिनिधित्व/ Department Represented by	:	K. Sandhya Rani, Sr.AR
सुनवाई समाप्त होने की तिथि/ Date of Conclusion of Hearing	:	20.01.2025
घोषणा की तारीख/Date of Pronouncement	:	06.02.2025

**आदेश /O R D E R**

**PER SHRI S BALAKRISHNAN, ACCOUNTANT MEMBER:**

1. This appeal is filed by the assessee against order of Learned Commissioner of Income Tax (Appeals), National Faceless Appeal centre, Delhi [hereinafter in short “Ld.CIT(A)”] vide DIN & Order No. ITBA/NFAC/S/250/2024-25/1066990742(1) dated 24.07.2024 for the A.Y.2016-17 arising out of order

passed under section 143(3) of the Income Tax Act, 1961 (in short 'Act') dated 07.12.2018.

2. Brief facts of the case are that, assessee being an Individual filed his return of income on 07.01.2017 admitting a total income of Rs. 4,43,330/- for the A.Y.2016-17. Subsequently, the case was selected for "Limited Scrutiny" to verify the transaction that "Large investment in property as compared to total income". The reason as per the CASS is that the assessee has acquired Immovable property, the sources of which are required to be examined. Accordingly notice under 143(2) of the Act dated 18.09.2017 was issued and served on the assessee through ITBA. In response, assessee filed copy of registered purchase document. It is also noticed that the assessee purchased 400 sq.yds site together with AC sheets house having plinth area of 300 sq.ft situated at Visakhapatnam vide registered deed No.384/2016 dated 12.01.2016 registered on 28.1.2016 for a consideration of Rs.1,57,32,000/-. Assessee stated that entire consideration was paid to the Vendor through cheques except Rs.37,32,000/- which was paid by way of cash. The assessee also informed that the site is under dispute. The assessee stated that even though the document is registered, the cheques are not issued and being held by him until the dispute settled. With regard to the sources of the payment's, assessee stated that he has taken a hand loan from CH. Srinivasa Rao amounting to Rs.1,20,00,000/-. Ld. Assessing Officer [hereinafter in short "Ld. AO"] on perusal

of the sale deed noticed cheques received were dated in the year 2015 whereas the cheques produced is seemed to be issued in the year 2016. Ld. AO considering the fact that the document will not be registered if the entire payment was made by the assessee as on the date of registration, Ld. AO did not accept the submissions made by the assessee. Thereafter he proceeded and framed the assessment by adding an amount of Rs.1,69,12,100/- as unexplained investment under section 69 r.w.s. 115BBE of the Act.

3. Aggrieved by the order of the Ld. AO, assessee filed an appeal before Ld.CIT(A). Before Ld. CIT(A) assessee reiterated the similar submissions. Ld.CIT(A) did not accept the submissions thereby sustained the addition made by the Ld. AO while dismissing the appeal of the assessee.

4. Aggrieved by the order of the Ld. CIT(A), assessee is in appeal before us by raising following grounds of appeal: -

*“1. The order of the learned Commissioner of Income Tax (Appeals) is contrary to the facts and also the law applicable to the facts of the case.*

*2. The learned Commissioner of Income Tax (Appeals) is not justified in sustaining the addition of Rs.1,69,12,100 made by the assessing officer u/s 69 of the Act towards unexplained investment in purchase of immovable property.*

*3. Any other ground may be urged at the time of hearing.”*

5. Ground Nos. 1 & 3 are general in nature and needs no adjudication.

6. Ground No. 2 is with respect to sustenance of the addition of Rs.1,69,12,100/- made by the Ld. AO under section 69 of the Act as unexplained investment in purchase of immovable property. On this issue, Ld. Authorised Representative [hereinafter “Ld.AR”] submitted that assessee has not paid the consideration because of the fact that the site is under dispute and the cheques are still being held by the assessee. Ld.AR produced the copy of the original cheques before the Bench. He therefore pleaded that since the assessee has not made any payments towards the sale consideration it cannot be treated as unexplained investment by the assessee and hence addition made by the Ld. AO deserves to be deleted.

7. Per contra, Ld. Departmental Representative [hereinafter in short “Ld. DR”] relied on the orders of the Revenue Authorities.

8. We have heard both the sides and perused the material available on record. On perusal of the sale deed dated 12.01.2016 which was registered on 28.01.2016 the assessee has made a payment of Rs. 10,00,000/- each aggregating to Rs.1,20,00,000/- by way of 12 cheques dated 11.01.2015 as detailed in the sale deed. Further, it is also stated in the sale deed that assessee has paid cash of Rs.37,32,000/- towards agreed sale consideration. However, the contention of the Ld.AR is that the cheques were not issued to the vendor and is being still held by the assessee. On perusal of the cheques submitted by the Ld.AR it is noted that the

cheques are dated in January 2016, whereas in the recitals of the sale deed the cheques are dated as January 2015. Ld.AR submissions were that the post-dated cheques cannot be issued for the purpose of registration of a sale deed document. We could not accept the view why the document was registered in January, 2016 when the cheques were ante-dated as early as January, 2015 in the sale deed. Further, it was also argued by the Ld.AR that the original cheques still remain with the buyer and no evidence has been brought on record that the seller has initiated any proceedings regarding the filing of appeal before the Courts.

9. Further, we also could not accept the contention of the Ld.AR that the sale deed was registered without the payment of sale consideration to the vendor. The revenue authorities therefore have rightly held that the assessee has made investment in immovable property through unexplained sources. We therefore have no hesitation to uphold the order of the Ld. CIT(A) as we do not find no infirmity in the order of the Ld. CIT(A). Thus Ground No. 2 raised by the assessee is dismissed.

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

Order pronounced in the open Court on 06<sup>th</sup> February, 2025.

<p>Sd/- (ललितकुमार) (LALIET KUMAR) न्यायिकसदस्य/JUDICIAL MEMBER</p>	<p>Sd/- (एसबालाकृष्णन) (S. BALAKRISHNAN) लेखासदस्य/ACCOUNTANT MEMBER</p>
---	--

Dated: 06.02.2025  
Giridhar, Sr.PS

आदेशकीप्रतिलिपिअग्रेषित/ Copy of the order forwarded to:-

1. निर्धारिती/ The Assessee : **Golagani Sreenivas**  
D.No. 18-97  
Old Diary Farm, Pedagadili  
Visakhapatnam – 530040  
Andhra Pradesh
2. राजस्व/ The Revenue : **Income Tax Officer – Ward-5(1)**  
Income Tax office  
Direct Taxes Building  
MVP Colony  
Visakhapatnam – 530017  
Andhra Pradesh
3. The Principal Commissioner of Income Tax
4. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, विशाखापटणम /DR,ITAT, Visakhapatnam
5. The Commissioner of Income Tax
6. गार्डफ़ाईल / Guard file

//True Copy//

आदेशानुसार / BY ORDER

Sr. Private Secretary  
ITAT, Visakhapatnam