

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR BENCH, NAGPUR

BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
SHRI K.M. ROY, ACCOUNTANT, MEMBER

ITA no.11 and 12/Nag./2023
(Assessment Year : 2018-19 and 2019-20)

Asstt. Commissioner of Income Tax
Circle-2(1), Nagpur Appellant

v/s

Unique Realities Builders & Developers
4, Golden Palace Complex
WHC Road, Dharampeth, Nagpur 440 010 Respondent
PAN – AAPFM1863Q

Assessee by : Smt. Veena Agrawal
Revenue by : Shri Sandipkumar Salunke

Date of Hearing – 11/02/2025

Date of Order – 25/02/2025

ORDER

PER K.M. ROY, A.M.

This appeal by the Revenue is directed against the impugned orders of even date 09/11/2022, passed by the learned Commissioner of Income Tax (Appeals)-3, Nagpur, [*learned CIT(A)*], for the assessment year 2018-19 and 2019-20.

2. Since both these appeals pertain to the same assessee involving common issues arising out of identical set of facts and circumstances, except variation in figures, therefore, as a matter of convenience, these appeals were heard together and are being disposed off by way of this consolidated order. However, in order to understand the implication, it would be necessary to take note of the facts of one appeal. We are, accordingly, narrating the

facts, as they appear in the appeal in ITA no.11/Nag./2023, for the assessment year 2018-19. The final decision of this appeal shall mutatis mutandis apply to the other appeal as well.

ITA no.11/Nag./2023
Assessee's Appeal – A.Y. 2018-19

3. The Revenue in its appeal has raised following grounds:-

"1. On the facts and in the circumstances of the case, the CIT(A) erred in holding that the proceedings u/s 153C of the I.T.Act were initiated without any corroborative evidence ignoring the fact that the proceedings were backed by concrete facts and corroborative evidence in the form of statement of Shri Prashant Bongirwar recorded u/s 132(4) of the I.T.Act in which he has clearly stated the name of the partners of Unique Reality, which shows that the Unique reality referred to in the impounded material is the assessee firm M/s Unique Reality Builders and Developers having the same partners namely Shri Yele and Shri Patle.

2. On the facts and in the circumstances of the case, the CIT(A) erred in holding that the proceedings u/s 153C of the I.T.Act were initiated without any corroborative evidence ignoring the fact that Shri Prashant Bongirwar in answer to the Q no.19 has confirmed the receiving of amount from Unique Realities and in answer to the Q no.8 of the same statement he has confirmed the partners of Unique Realities as Shri Yele and Shri Patle, which clearly shows that the Unique reality referred to in the impounded material is the assessee firm M/s Unique Reality Builders and Developers having the same partners namely Shri Yele and Shri Patle.

3. The Ld. CIT(A) erred in deleting the additions made by A.O. as the assessee neither filed return in response to the notice under section 153C nor turned up to substantiate his claims during assessment proceedings u/s 153C despite repeated opportunity given, which clearly proves that the plea taken by assessee in appeals is mere afterthought.

4. On the facts and circumstances of the case, the Ld. CIT(A) erred in deleting the addition of Rs.24,96,912/-on account of undisclosed income u/s 69A of the I.T. Act, without appreciating the fact that the addition of Rs.24,96,912/- was made on the basis of incriminating documents No. B-6 found and seized at the residential premise of the Shri. Vyankatesh Kunawar. This document contained the debit vouchers of M/s AVC Homes wherein part payment against plots was received in cash and the commission of Rs.24,96,912/-was also paid in cash to M/s Unique realities.

5. On the facts and circumstances of the case, the Ld. CIT(A) erred in deleting the addition of Rs.92,31,514/-on account of unexplained expenditure u/s 69C of the IT Act, without in appreciating the fact that entries with regard to the

payments of Rs.92,31,514/- were found from the documents A-1/16 which was impounded from the business premises of M/s Saptagiri Builder and developers. Data in document A-1/16 clearly indicates that the amount of Rs.58,04,506/- was received in cash by M/s Saptagiri Builder & developers and Rs.34,27,008/- was received in cash by M/s Growell Developers from M/s Unique Realities against the part payment of sale/purchase of plots.

6. In this regard, the Ld.CIT(A) has erred by completely ignoring the entries found in the seized/impounded documents as mentioned above without appreciating the fact that such entries provided specific evidence with regard to the amounts received/paid by the assessee which are not accounted for and the assessee has not proved its genuineness. The AO has rightly added the amounts as undisclosed income and unexplained expenditure.

7. Any other grounds and fact to be raised at the time of appeal."

4. Facts in Brief:- In the present case, during the year under consideration, the assessee was engaged in the business as developer and builder and all kinds of allied activities in real estate business. A search and seizure action under section 132 of the Income Tax Act, 1961 ("*the Act*") was conducted on 25/06/2019, in the case of Shri Vyankatesh Kunawar. During the course of search & seizure operation under section 132 of the Act, incriminating documents were seized from the residential premise of Shri Vyankatesh Kunawar. The search was finally concluded on 05/07/2019. On the basis of incriminating documents seized from the residential premises of Shri Vyankatesh Kunawar, the case of the assessee was selected for assessment under section 153C of the Act. Also, a survey under section 133A of Act was conducted in the business premises of M/s Saptigiri Developers, 12, 3rd Floor, N.K.Y. Towers, Ajni Square, Nagpur. At the time of survey, a hard disk was found and seized from the business premises of M/s Saptigiri Developers. The Assessing Officer was of the view that the contents of the said Hard Disk represents amount received in cash by M/s. Saptagiri Developers from M/s. Unique Realities, against part payment of these plots

which is held to be received as on money. The assessee filed original return of income on 27/10/2018, declaring total income of ₹ 6,00,300. A notice under section 153C of Act was issued to the assessee on 18/02/2021 and served upon the assessee for filing return of income within 30 days of receipt of the notice in response to which the assessee has not filed its return of income under section 153C. Notice under section 142(1) of the Act, was issued along with detailed questionnaire on 26/03/2021, 31/02/2021 and 09/09/2021, requiring the assessee to furnish the information and document in support of their reply. However, yet the assessee chose not to file its return of income, as desired by the Assessing Officer. Further a final show cause notice under section 142(1) was sent to the assessee on 09/09/2021, requiring it to file the return of income and reply without any further delay but the assessee did not file any return of income or replies. Even after the final opportunity granted, the assessee did not filed any returns or replies. Therefore, the Assessing Officer held that as the assessee has failed to file the returns of income and/or replies, the assessment under section 144 r/w section 153C of the Act was finalized on the basis of material available on record. The following additions were made by the Assessing Officer based on certain impounded documents:-

<i>Undisclosed commission from AVC Homes</i>	<i>₹ 24,96,912</i>
<i>Cash payment to Saptagiri Developers</i>	<i>₹ 58,04,506</i>
<i>Cash payment to Growell Developers</i>	<i>₹ 34,27,008</i>
<i>Total:-</i>	<i>₹ 1,17,28,426</i>

5. There was no compliance before the Assessing Officer as the assessment was made under section 144 r/w section 153C of the Act. Thus the assessee remained non-compliant and did not even care to explain the documents relied upon to make additions. It is to be noted that the assessment was conducted physically and order was passed after affording numerous opportunities.

6. On appeal, before the learned CIT(A), the assessee submitted a detailed note of arguments, which was recorded by the learned CIT(A) in its impugned order vide Para-6.1.5 to 6.1.6, is also reproduced below for ready reference:-

"6.1.5. The fifth ground of appeal raised by the appellant is whether the AO is justified in law and fact in making an addition to the tune of Rs. 24,96,912/- as undisclosed income u/s 69A. The Ld. AR vehemently stated that the document found from the residence of Shri Vyankatesh Kunawar are loose papers and are dumb document. During the hearing, the Ld. AR has travelled through every page of voucher and showed that there has been no name of the appellant written on the voucher or not even any signature of the appellant firm is there. Ld. AR also submitted that on the remaining vouchers there is not even the name of the appellant mentioned in any symbolic or abbreviated form.

The appellant has further submitted that the AO has demonstrated in the assessment order on page no. 3 table produced by the AO in Column No. 3 that the amount received is from customer. The Ld. AR vehemently stated. that these people are not the client of the appellant firm and furthermore there are pages other than debit vouchers of AVC Homes which contains name of different people to whom cash is paid. On putting debit voucher and pages containing name it is seen that the exact amount written on debit voucher is given to different persons and there is no name of the appellant amongst these names. In simpliciter, the commission amount is not paid to the appellant firm but to the people whose name appears on the pages.

The appellant also submitted that the AO has failed in bringing on record any corroborative evidence to substantiate the claim that the appellant has received commission amount. There has been no evidence whatsoever to corroborate the claim of the AO.

The appellant also challenged the addition by stating that the AO has invoked the wrong section for making addition under Sec 69A as Sec 69A provides for

unexplained money which deals with a situation where the assessee is found to be owner of any money, bullion, jewellery or other valuable article and such money, bullion, jewellery or valuable article is not recorded in the books of account.

A remand report was called from the Ld. AO for explanation on the assertion made by the appellant firm. The remand report (on the said Ground No. 5 of the appeal) held that the additions are made on the sound grounds.

I am satisfied by the argument of the Ld. AR that the amount appearing on debit vouchers of the AVC Homes are actually relating to the different names appearing on the loose pages of Document B-6. The loose paper and debit vouchers coincide with each other giving credence to the argument of the Ld. AR that the amount is paid to different people and not to the appellant. Moreover, Shri Vynakatesh Kunnawar and Shri Prashant Bonginwar from whose possession the documents are seized stated nothing adverse against the appellant. Also there is no agreement between the appellant and the AVC homes to substantiate the say of the AO. The appellant has also provided the ITR and computation of the partners of the appellant firm where the commission income earned in individual capacity of partners is duly disclosed by the partners of the appellant firm. An astute observation brought on record by the learned AR that there are many calculation mistakes and duplicate entries in the quantum of additions so made this all shows that the assessment order framed is without scrutinizing the documents.

The appellant has also provided the ITR and computation, audit report emphasizing that the prime nature of work of the appellant is development and sale of plots and commission is secondary income of the appellant firm. Also it is remarkable to mention that the identity of the name "unique" which is found in the seized document is not established as in some of the debit vouchers name "unique city" is mentioned which is nothing but the project name of AVC homes. This forces to mention that one to one nexus among debit voucher and appellant firm cannot be established. Law is well settled that burden is on the Revenue to establish the identity if any person is to be charged under the Act. Moreover, nothing is on record to show that Shri Vynakatesh Kunnawar has stated about the appellant that whatever the notings found were in respect of the appellant. No corroborative material is found. Reliance is placed on the catena of judgments which states that no addition can be made on the basis of abbreviated name found in diary without establishing a direct nexus with the assessee, as follows:-

7. Hon'ble Pune ITAT in the case of ITO, Ward-2(3), Pune v. Shri Ashok Keshvlal Oswal, ITA No. 357/PN/2012, dated 30/09/2013.

8. Hon'ble Pune ITAT in the case of Jagannath Eknath Lahoti (HUF) v. ITO, Ward-1(1), Pune, ITA.No.453/PN/2012, dated 11/02/2014.

9. Hon'ble Delhi High Court order in Commissioner of Income Tax v. Classic Motors Ltd, [2017] 88 taxmann.com 478 (Delhi).

10. Hon'ble Delhi High Court order in Commissioner of Income-tax v. Sant Lal, [2020] 118 taxmann.com 432 (Delhi)

11. Hon'ble ITAT, Jaipur Bench Nanakchand Kanhiyalal V. Deputy Commissioner of Income-Tax, [2001] 73 TTJ 585 (JP.)

12. Hon'ble ITAT Amritsar Bench, Income-Tax Officer V. Balram Jakhar, [2006] 8 SOT 1 (ASR.)(URO).

Also as the debit vouchers do not contain the title, signature, name of the appellant firm and neither are found from the possession of the appellant nor part of books of accounts of the appellant firm. Therefore, these vouchers are dumb documents and loose papers as far as the case of the appellant is considered. Further, no circumstantial evidence in the form of any unaccounted cash, jewellery or investments outside the books of account was found Thus, the impugned addition was made by the AO on grossly inadequate material or rather no material at all and as such, deserves to be deleted. The documents are said to be dumb only in peculiar facts and circumstances of the present case of the appellant and has no bearing on any other case. As the documents are found from the possession of AVC Homes or the partners of the AVC Homes presumption of section 132(4A) goes against AVC Homes and other but not of that for the appellant.

This proposition further gets supports from the following judgments as follows:-

6. The Hon'ble Supreme Court in case of CIT v. Sunita Dhaddha [2018] 100 taxmann.com 526 (SC)

7. The Hon'ble Jaipur ITAT in case of Jai Kumar Jain Vs. Asstt. Commissioner of Income Tax (2007) 11 SOT (Jaipur) (URO).

8. The Hon'ble Ahmedabad ITAT in case of Prarthana Construction (P) Ltd. Vs. Deputy Commissioner Of Income Tax (2001) 118 Taxman 112 (IT AT-Ahmedabad) (Mag)

9. The Hon'ble Ahmedabad ITAT in case of Unique Organiors and Developers (P) Ltd Vs. DCIT, 70 TTJ 131

10. The Hon'ble Ahmedabad ITAT in case Sheth Akshay Pushpavadan Vs. DCIT, 130 TTJ 42 (UO)

Reliance is placed on the judgement following judgment where it has been held that no addition can be based on dumb documents.

8. The Hon'ble Supreme Court in case of Common Cause (A Registered Society) v. Union of India, [2017] 77 taxmann.com 245 (SC)

9. The Hon'ble Supreme Court in case of Central Bureau of Investigation v. V.C. Shukla, [1998] 1998 taxmann.com 2155 (SC).

10. The Mumbai ITAT in case of ITO v. Kranti Impex (P.). Ltd. [IT Appeal No. 1229 (Mum.) of 2013, dated 28-2-2018].

11. The Mumbai ITAT in case of Asstt. CIT v. Layer Exports (P.) Ltd. [20171 88 taxmann.com 620].

12. *The Hon'ble Delhi High in case of Kaycee Electricals v. DCIT, 87 ITD 35 (Del.).*

13. *The Kolkata Tribunal in the case of Asstt. CIT v. Sri Radheshyam Poddar [1992] 41 ITD 449 (Cal).*

14. *The Delhi Tribunal in the case of Ashwani Kumar v. ITO [1991] 39 ITD 183 (Delhi).*

As far as the question of tenability of addition under section 69A is considered the same cannot be made as in first place no money, bullion, jewellery etc is found from the possession of the the appellant and second there the appellant is not conclusively the "owner" of it as the additions are made on the basis of debit vouchers only. In support the reliance is placed on the following judgments as follows:-

7. *The Hon'ble ITAT Pune Bench 'A' in case of Pradeep Amrutlal Runwal v. Tax Recovery Officer, Range-3, Pune, [2014] 47 taxmann.com 293 (Pune - Trib.).*

8. *Calcutta High Court in Kantilal Chandulal & Co. v. CIT [1982] 136 ITR 889.*

9. *The Madras High Court in the case Mohammad [1997] 228 ITR 113/92 Taxman 169. of CIT v. K.T.M.S.*

10. *The Calcutta High Court in Durga Kamal Rice Mills v. CIT [2004] 265 ITR 25/[2003] 130 Taxman 553.*

11. *CIT v. Ravi Kumar [2007]294 ITR 78/[2008] 168 Taxman 150 (Punj. & Har.).*

12. *Deputy Commissioner of Income-tax v. GSNR Rice Industries (P.) Ltd. [2021] 128 taxmann.com 433 (Chennai - Trib.)*

Therefore, the fifth ground of appeal is hereby adjudicated in the favor of the appellant and the addition made of Rs. 24,96,912/ is deleted and this ground is 'allowed' hereby.

6.1.6: *The sixth ground of appeal raised by the appellant is whether the Ld. AO is justified in law and fact in making an addition to the tune of Rs. 92,31,514/- as unexplained expenditure u/s 69C of the Income Tax Act as On money. The Ld. AR submitted that the documents are found from the premise of Saptagirhi Builder and Developers during survey proceeding and any presumption under section 132(4A) /292C arises against Saptagirhi Builder and Developers. The Ld. AR further submitted a detailed reply in support of its contention. Further, during the course of hearing the Ld. AR had argued at length stating that the document is a non-speaking document. The Ld. AR, emphatically stated that the Ld. AO failed to bring any corroborative evidence on record and had made additions based on whims and fancies. The Ld. AR further stated emphasizing on the assessment order that the complete order is devoid of any corroborative evidence, cogent evidence or independent enquiry qua additions.*

A remand report was called from the Ld. AO for explanation on the assertion made by the appellant firm. The remand report (on the said Ground No. 6 of the appeal) held that it can be seen from the foregoing discussion that the AO has correctly made the additions. No relief shall be provided to the appellant. The remand report has not put forth any assertive evidences to prove the nature of transaction, is it on money or expenditure for the appellant with corroborative evidence not put forth by the learned the AO.

I am convinced that the presumption arises against the Saptagirhi Builder and Developers and not against the appellant. A reliance is placed on the ITAT Ahmedabad Bench in the case of Unique Organiors and Developers (P) Ltd Vs. DCIT, 70 TTJ 131 and Sheth Akshay Pushpavadan Vs. DCIT, 130 TTJ 42 (UO) wherein it was held that presumption cannot be applicable to a third party from whose possession such documents have not been found by the Revenue.

I am inclined towards the argument of the Ld. AR and emphasis on para number 64 and 73 of the written submission is made and accepted s, also that on the piece of paper "Not Accepted" is written. Without corroborative evidences the AO erred in making addition. The document founds are nothing more than dumb document in case of no corroboration. I find force in the argument of the appellant that there cannot be any addition based merely on the piece of loose papers. The additions need to be backed by cogent and reliable evidences. In the present case it can be seen from the assessment order that there has been no corroborative evidence brought forth by the AO. There has been no reference made to the document other than impounded material. Reliance is placed on the judgement following judgment where it has been held that no addition can be based on dumb documents.

- 1. The Hon'ble Supreme Court in case of Common Cause (A Registered Society) v. Union of India, [2017] 77 taxmann.com 245 (SC)*
- 2. The Hon'ble Supreme Court in case of Central Bureau of Investigation v. V.C. Shukla, [1998] 1998 taxmann.com 2155 (SC).*
- 3. The Mumbai ITAT in case of ITO v. Kranti Impex (P.). Ltd. (IT Appeal No. 1229 (Mum.) of 2013, dated 28-2-2018].*
- 4. The Mumbai ITAT in case of Asstt. CIT v. Layer Exports (P.) Ltd. [2017] 88 taxmann.com 620].*
- 5. The Hon'ble Delhi High in case of Kaycee Electricals v. DCIT, 87 ITD 35 (Del.).*
- 6. The Kolkata Tribunal in the case of Asstt. CIT v. Sri Radheshyam Poddar [1992] 41 ITD 449 (Cal).*
- 7. The Delhi Tribunal in the case of Ashwani Kumar v. ITO [1991] 39 ITD 183 (Delhi).*

The other aspect raised by the Ld. AR is that no addition can be made under Sec 69C as there exists no expenditure done by the appellant. The conditions of Sec 69C are that the assessee must have incurred the expenditure and disallowance shall be made only if the explanation is not considered

satisfactory. The appellant vehemently denies any expenditure. There has been no further enquiry made by the AO. There is no evidence of such expenditure. Under such circumstances an addition cannot be made under Sec 69C in the hands of the appellant. Since the nature of transaction and the source of expenditure is not proved by the learned AO the addition under section 69C cannot be held good. Strength is drawn from the Judgment of CIT v. Lubtec India Ltd.(2009) 311 ITR 175 (Del).

sTherefore, the Sixth ground of appeal is hereby adjudicated in the favor of the appellant and the addition made of Rs. 92,31,514/- is deleted and this ground is 'allowed' hereby."

7. The learned CIT(A) had called for a remand report which indicated that the Assessing Officer was correct in his action, but the learned CIT(A) chose to disregard such report in his wisdom and has granted full relief.

8. Before us, the learned Departmental Representative strongly supported the impugned order passed by the Assessing Officer and submitted that the cryptic and laconic order of the learned CIT(A) be reversed.

9. The learned Counsel for the assessee only submitted that the impugned order passed by the learned CIT(A) be sustained. She did not submit any paper book containing all relevant evidences which she liked to rely upon or any financial statements. Her only assertion was that addition cannot be perpetrated on dumb documents.

10. We have heard the rival arguments, perused the material available on record and gone through the orders of the authorities below. The impounded documents have been verified by us from the assessment order wherein the name of the assessee is clearly visible. The learned Counsel for the assessee failed to give any information as to whether the transactions were at all recorded in the books of account. In fact, she did not submit any

documentary evidences to buttress her case. We are constrained to note that the learned CIT(A) has merely relied on certain case laws, but without realising that how the same are applicable in assessee's case. The learned CIT(A) failed to perform his statutory function to act judiciously by not correlating the additions made with the corresponding assessment orders of AVC Homes, Saptagiri Builders. He was swayed that there is no exchange of money as submitted by the learned Counsel for the assessee. But here it is beyond comprehension that why cash details are mentioned in the print-out obtained which is stark reality glaring at the face. It is also surprising that there has been no participation by the assessee before the Assessing Officer to effectively explain the documents in its entirety. Before the learned CIT(A), vouchers in respect of AVC Homes are submitted wherein certain vouchers clearly bear the name of the Unique Realities Builders & Developers (the assessee herein). If that be so, the Assessing Officer has correctly added the same as undisclosed income because the assessee failed to prove that that were reflected in regular books. The addition made under section 69A has been assailed that the circumstances are not applicable. Nevertheless, the same is undisclosed income, which has been rightly added. There is no requirement that the assessee has to sign these documents because they are designed to be hidden and shrouded. Mere mentioning an inapplicable proviso will hardly dislodge the addition and the logic adopted by the learned CIT(A) is palpably erroneous. The learned Counsel for the assessee did not raise any cross-objection or any application under rule 27 of the ITAT Rules which effectively vindicates that there is no legal challenge to the adjudication. She

referred to the order of the Metrocity Home, ITA no.165/Nag./2023, authored by one of us (A.M). But the facts are totally divergent because the nature of business is absolutely different. In that case, it was a case of difference between actual cost and sale deed treated as undisclosed income. There was denial by customers of paying on-money. Here, the assessee did not appear at all. The voluminous submissions of the learned Counsel for the assessee before the first appellate authority has not addressed the evidentiary value of the incriminating documents coupled with the excruciating fact that there is no specific denial by the assessee before the Assessing Officer. The additions were based on payment vouchers maintained in regular course of business and cannot be brushed aside summarily. The assessment was validly initiated under section 153C of the Act because the assessee failed to controvert that there was absence of satisfaction. So, it cannot be permitted to take a diametric opposite stand to shift the burden to the other person. The learned Counsel for the assessee strenuously stressed that there is a project of Unique City and it cannot be linked with the assessee in some cases only. But the glaring fact remains that such minor observations do not hid the main issue that these documents pertained to the assessee. The fact militates against the assessee particularly in view of the unequivocal submissions under section 132(4) of the Act clearly identifying the assessee of the person searched which postulates the underlying business connection and economic correlation. Section 153C is initiated upon by the Assessing Officer being satisfied that any books of account or documents seized or requisitioned pertains or any information contained therein relates to a person other than

person referred to in section 153A of the Act. The section was amended w.e.f. 01/06/2015 to negate the judgment of the Hon'ble Apex Court in Pepsi Foods Pvt. Ltd., [2018] 89 taxmann.com 10. This Special Leave Petition was dismissed against the High Court ruling that before issuance of notice under section 153C of the Act, the Assessing Officer is required to arrive at a conclusive satisfaction that documents belong to a person other than searched person. The reliance made by learned Counsel for the assessee on the above judgment which has favourably considered by the learned CIT(A) is misplaced, misconceived and unsustainable. The learned Counsel for the assessee has tried to create a confusion that in view of multiple entities with prefix unique relationship with Unique Realities Builders and Developers is not established. We fail to understand that how such an issue can be raised once the challenge to 153C proceedings is absent. The diametric opposite stand of the assessee is ergo jettisoned. The recalcitrant stand of the assessee before the Assessing Officer further creates doubt that perhaps the assessee is not coming with clean hands. It is worthwhile to note that even before the remand proceedings, the assessee failed to make any submissions to improve his case. The learned Counsel for the assessee placed reliance on various case laws are misplaced and unjustifiable because these are not universal law and can be applied only in these particular facts. She had not made any efforts to rope in any evidences whatsoever to strengthen her case. Keeping in view the overall facts and circumstances of the case and referring to the case laws cited before us by the learned Counsel for the assessee, we are of the considered opinion that the assessee failed to justify that additions are not

sustainable based on impounded documents. More denial of the transaction by raising a cobweb of nebulous assertions without backing up by strong evidence to repudiate the same is unconscionable. Hence we set aside the impugned order passed by the learned CIT(A) and inclined to uphold the assessment order passed by the Assessing Officer. The Revenue succeeds in effectively assailing the relief so granted by the learned CIT(A) in its entirety. Accordingly, both the appeals by the Revenue for A.Y. 2018-19 and 2019-20 are allowed as discussed above.

11. In the result, Revenue's appeals for A.Y. A.Y. 2018-19 and 2019-20 stand allowed.

Order pronounced in the open Court on 25/02/2025

Sd/-
V. DURGA RAO
JUDICIAL MEMBER

Sd/-
K.M. ROY
ACCOUNTANT MEMBER

NAGPUR, DATED: 25/02/2025

Copy of the order forwarded to:

- (1) The Assessee;
- (2) The Revenue;
- (3) The PCIT / CIT (Judicial);
- (4) The DR, ITAT, Nagpur; and
- (5) Guard file.

Pradeep J. Chowdhury
Sr. Private Secretary

True Copy
By Order

Sr. Private Secretary
ITAT, Nagpur