

**IN THE INCOME TAX APPELLATE TRIBUNAL
“DB” BENCH, AGRA**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 148/Agr./2022
(Assessment Year 2014-15)**

Bipin Babu Agrawal 16, Kamla Vihar Colony, Masani, Mathura Uttar Pradesh-281001	Vs.	DCIT, Central Circle, Agra, U.P. - 282002
स्थायीलेखासं. / जीआइआरसं. / PAN/GIR No: AAWPA0864C		
Appellant	..	Respondent

Appellant by :	Sh. M. M. Agrawal, CA & Sh. Anurag Sinha, Adv.
Respondent by :	Sh. Sukesh Kumar Jain, CIT-DR

Date of Hearing	10.02.2025
Date of Pronouncement	10.02.2025

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This assessee's appeal for assessment year 2014-15 arises against Commissioner of Income Tax (Appeals) Kanpur-4 [in short, the "CIT(A)"] order dated 28.06.2022, in case No. CIT(A)-IV/KNP/10199/2013-14, involving proceedings under Section 143(3) r.w.s.153A of the Income Tax Act, 1961, [hereinafter referred to as 'the Act'].

2. Heard both the parties at length. Case file perused.

3. It emerges during the course of hearing that the learned Assessing Officer herein had framed his section 153A assessment on 30.09.2021 in furtherance to the search action dated 19.07.2018 in the assessee's and his group entities cases. The said assessment ended up making twin additions amounting to Rs.1,26,031/- and on money payment of Rs.1,25,00,000/-; respectively, which stand upheld in the learned CIT(A) detailed discussion. It is in this factual backdrop that once we are dealing "unabated" assessment, the addition based on incriminating material found/seized during the course of search could be confirmed as per PCIT Vs. Abhisar Buildwell (P.) Ltd. [2023] 149 taxmann.com 399 (SC) to reverse the above "ALV" addition of Rs.1,26,031/- in very terms.

4. Next comes the second issue between the parties *qua* correctness of addition of Rs.1.25 crores based on seized document/cancelled agreement dated 16.12.2013 and reproduced in assessment order at page 5 & 6 thereof. There would be hardly any dispute that contents of such seized documents indeed carry presumption of correctness thereof u/s 292C of the Act. We note that various stipulations in the instant seized document make it clear that the assessee had actual paid an amount of Rs.11 lacs and balance 1.24 crore had "to be paid" at the time of execution of the sale deed which has not been finalized in the relevant previous year. Faced with the situation, we are of the view that only the said actual amount paid of Rs.11 lacs deserves to be added in the assessee's hands as per the foregoing statutory presumption and balance addition of Rs.1.24 has to be deleted. We accordingly conclude before parting that the impugned addition has been upheld to the extent of Rs. 11 lacs only. Necessary computation shall follow as per law.

5. This assessee's appeal is partly allowed in above terms.

Order pronounced in the open court on 10.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 10.02.2025

PS: Rohit

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR