

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

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

**ITA No. 167/Agr./2017
(Assessment Year 2010-11)**

DCIT, Circle 2(1) Aayakar Bhawan, City Centre, Gwalior	Vs.	Sanjay Agarwal Shahzadi Mandi Agra
□□□□□□./PAN/GIR No: ACUPA9491K		
Appellant	..	Respondent

Appellant by :	Sh. Sukesh Kumar Jain, CIT, DR
Respondent by :	Sh. Sanjay Kumar, CA

Date of Hearing	12.02.2025
Date of Pronouncement	12.02.2025

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This Revenue’s appeal for assessment year 2010-11 arises against Commissioner of Income Tax (Appeals), [in short, the “CIT(A)”] Gwalior’s order dated 21.02.2017, in case No. 566/IT/2011-12/Gwl, involving proceedings under Section 143(3) of the Income Tax Act, 1961, [hereinafter referred to as ‘the Act’].

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

3. The revenue raises the following substantive ground in the instant appeal:

“1. Whether on the facts and in the circumstances of the case, the Ld. CIT (A) has erred in law and in fact in allowing a relief of Rs. 3,00,000/- which has been added by the A.O. on account of unexplained receipt, in spite of the facts on records that the assessee has failed to produce any admissible evidence during the course of assessment proceedings before the Assessing Officer.”

2. Whether on the facts and in the circumstances of the case, the Ld. CIT (A) has erred in law and in fact in allowing a relief of Rs. 2,74,00,000/- which has been added by the A.O. on account of unexplained investment during the relevant financial year, in spite of the facts on records that the assessee has failed to produce any admissible evidence during the course of assessment proceeding before the AO.”

4. Coming to the Revenue's above extracted former ground that the learned CIT(A) has erred in law on facts in deleting Rs.3 lacs addition made by the Assessing Officer alleging unexplained receipts, it emerges from a perusal of lower appellate discussion at page 16 onwards that the assessee had duly proved source thereof as investment in the preceding year(s) and returned back in the impugned assessment year on account of cancellation of purchase. We thus find no reason to revive the impugned addition in the instant former substantive ground which stands rejected.

5. Coming to the second issue between the parties regarding unexplained FDR making addition of Rs.2,46,00,000/- which was admittedly found in the name of M/s Matarani Trust than the assessee, we are of the considered view that the said sum has to be held as invested by the trust than the assessee. We accordingly reject the Revenue's instant latter ground as well.

6. This Revenue's appeal is dismissed.

Order pronounced in the open court on 12.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 12.02.2025

PS: Rohit/Subodh, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR