

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

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

**ITA No. 109/Agr/2019
(Assessment Year 2013-14)**

Brajesh Sharma S/o Shri Shree Lal Sharma C-8, Harishankar Puram Gwalior 474002	Vs.	DCIT, Circle- II Aayakar Bhawan, City Centre, Gwalior Madhya Prades 474001
स्थायीलेखासं. / जीआइआरसं. / PAN/GIR No: AJBPS1541G		
Appellant	..	Respondent

Appellant by :	None
Respondent by :	Sh. Shailendra Shrivastava, Sr. DR

Date of Hearing	10.02.2025
Date of Pronouncement	17 .02.2025

ORDER

PER BENCH:

This assessee's appeal for assessment year 2013-14 arises against Commissioner of Income Tax (Appeals) [in short, the "CIT(A)"] Gwalior order dated 31.01.2019, involving proceedings under Section 143(3) of the Income Tax Act, 1961, [hereinafter referred to as 'the Act']

Case called twice. None appeared at the assessee behest. It is accordingly proceeded ex parte.

2. The revenue vehemently argued during the course of hearing that both ld. lower authorities have rightly made addition of unexplained cash credits of Rs.1 crores with respect to Shri Than Singh and another addition of Rs.10 lac relating to Shri Ajay Upashyay and Rs.5 lac to Shri Ram Kumar Gupta; respectively, in the course of assessment framed on 30.03.2016 as upheld by the CIT(A) in the lower appellate discussion.

3. We have given our thoughtful consideration to the assessee's pleadings and the Revenue's forgoing submissions. Upon perusal of the assessment discussion at page 2 of the assessment order, it could be seen that the assessee had received loan of Rs.1 crores from Shri Than Singh whose bank joint account with Smt. Bhagwanti Bai, had seen credited with sale consideration of Rs.1.30 crores followed by withdraws to the extent of **Rs.70** lacs. And that as amount of Rs.1 crores was deposited in the said sole account for advancing to the assessee. Learned Assessing Officer did not accept the explanation of the assessee and added the same u/s 68. Upon being confirmed by Learned CIT(A) the assessee is in further appeal before us.

4. The position that emerges in this that such deposit is that Smt. Bhagwanti Devi had withdrawn the amount of Rs.70 Lacs which has been deposited in the bank account. Therefore, the addition, to the extent, could not be sustained. The remaining addition of Rs.30 lacs stand confirmed in these facts.

5. The remaining addition of Rs. 15 lacs (supra) also deserves to be confirmed since the assessee has not discharged the onus of establishing genuineness and creditworthiness thereof. Necessary computations shall follow as per law.

6. Assessee's appeal is partly allowed.

Order pronounced in the open court on 17.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated .02.2025

PS: Rohit

Copy forwarded to:

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

ASSISTANT REGISTRAR

ITAT AGRA