

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

**BEFORE HON’BLE SHRI SATBEER SINGH GODARA, JM**  
**AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

**आयकरअपील सं. / ITA No.106/Agr/2024**  
**(निर्धारणवर्ष / Assessment Year: 2012-13)**

<b>Lotus Infrarealty Ltd</b> 144, 2 <sup>nd</sup> Floor, Shri Vinayak Building Zone-1, MP Nagar, MP-462011	<b>बनाम/ Vs.</b>	<b>ACIT-Central</b> Gwalior
<b>स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AABCL-9181-D</b>		
<b>(अपीलार्थी/Appellant)</b>	:	<b>(प्रत्यर्थी / Respondent)</b>

<b>अपीलार्थीकीओरसे/ Appellant by</b>	:	None
<b>प्रत्यर्थीकीओरसे/Respondent by</b>	:	Dr. Arun Kumar Yadav – Ld. CIT-DR

<b>सुनवाईकीतारीख/Date of Hearing</b>	:	19-02-2025
<b>घोषणाकीतारीख /Date of Pronouncement</b>	:	28-03-2025

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2012-13 arises out of an order of learned Commissioner of Income Tax (Appeals), Bhopal-3 [CIT(A)] dated 05-02-2024 in the matter of an assessment framed by Ld. AO u/s 143(3) r.w.s. 147 of the act on 30-12-2019. The registry has noted delay of 11 days in the appeal which stand condoned. At the time of hearing, none appeared for assessee and accordingly, the appeal was heard with the able assistance of Ld. CIT-DR who pleaded for dismissal of the appeal.

2. In the assessment order, Ld. AO made quantum addition of Rs.172.76 Lacs which represent unsecured loans as obtained by the assessee from various parties since the assessee failed to satisfy the requirements of Sec. 68. During appellate proceedings, the assessee furnished additional evidences to substantiate these loans which were subjected to remand proceedings. The assessee furnished PAN details of only 31 parties out of 51 parties and also filed confirmation of 37 parties which were stated to be incomplete in important aspects. The income tax returns were filed only for 7 parties. Consequently, Ld. CIT(A) confirmed addition of Rs.108.50 Lacs with respect to 19 individuals as tabulated on Page-18 of the assessment order and deleted the remaining addition. Aggrieved, the assessee is in further appeal before us.

3. We find that the addition of unsecured loans has been confirmed with respect to 19 individual parties for which the assessee had furnished PAN details. Considering this fact and keeping in mind the principles of natural justice, we deem it fit to provide another opportunity to the assessee to substantiate its case before Ld. CIT(A). Accordingly, this impugned issue, with respect to confirmation of addition of Rs.108.50 Lacs stand restored back to the file of Ld. CIT(A) with a direction to the assessee to substantiate the same.

4. The appeal stand allowed for statistical purposes.

*Order pronounced u/r 34(4) of Income Tax (Appellate Tribunal) Rules,  
1963.*

*Sd/-*  
**(SATBEER SINGH GODARA)**  
न्यायिक सदस्य / JUDICIAL MEMBER

*Sd/-*  
**(MANOJ KUMAR AGGARWAL)**  
लेखा सदस्य / ACCOUNTANT MEMBER

Dated: 28-03-2025

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AGRA