

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD "B" BENCH: HYDERABAD

BEFORE SHRI VIJAY PAL RAO, VICE PRESIDENT
AND
SHRI MANJUNATHA G, ACCOUNTANT MEMBER

ITA.No.1246/Hyd/2024
Assessment Year 2017-2018

Vasantha Laxmi Veerapaneni, Hyderabad – 500 074 PAN ATKPV3743L	vs.	The Income Tax Officer, Ward – 11 (1), Hyderabad. – 500 084. Telangana
(Appellant)		(Respondent)

For Assessee :	CA K Hanmandloo
For Revenue :	Dr. Sachin Kumar, Sr. AR

Date of Hearing :	08.04.2025
Date of Pronouncement :	16.04.2025

ORDER

PER MANJUNATHA G. :

This appeal has been filed by the Assessee against the order dated 27.11.2024, of the learned Principal Commissioner of Income Tax (Central), Hyderabad relating to the assessment year 2018-2019.

2. The assessee has raised the following grounds in the instant appeal:

1. *“The Rectification Order passed by the Jurisdictional Assessing Officer ITO -11 (1), Hyderabad even after objections filed by the Appellant stating that the provisions of Sec 115BBE applies for disputed credits in the Joint Bank account pertains to Appellant husband, V Ramakrishna.*
2. *Appeal filed against the disputed additions not yet disposed off by the CIT(Appeals), NFAC. The rectification proceedings should have been dealt with Appeal filed against Assessment Order passed U/s.147 r.w.s.144B Dt 24.03.2022.*
3. *The CIT(Appeals), NFAC relied on the Judgment of Honourable Kerala High Court in the case of Maruthi Baburao Jadhav vs. ACIT 430 ITR 504, which is not applicable for the Appellant and not the judgment of Jurisdictional High Court.*
4. *The appellant has disclosed of Rs.3,83,500/- during demonetization period. Total Income assessed was Rs.62,54,500/-, which does not include the income returned Rs.3,28,810/- where as self assessment tax paid Rs.4,590/- credit was given. There was no option to disclose the cash credits before demonetization period. Cash credits of Rs.60,00,000/- pertaining to her husband to the period before the demonetization. The*

Appellant husband confirmed that the Rs.60,00,000/- credits pertains to his transaction.

5. Responses filed during Assessment proceedings and during Appellate proceedings not considered properly. Rectification order passed in hurry which did not consider the income returned Rs.3,28,810/-in Income Computation Sheet.”

3. At the outset, there is a delay of 25 days in filing the instant appeal before the Tribunal. The assessee has filed a petition seeking for condonation of delay explaining the reasons. We are satisfied with the reasons furnished by the assessee. We, therefore, condone the delay of 25 days in filing the appeal before the Tribunal and proceed to adjudicate the appeal on merits as under.

4. In this case, assessment u/sec.147 r.w.s.144B of the Income Tax Act, 1961 [in short ‘the Act’] for the assessment year 2017-2018 was completed on 24.03.2022 by assessing the total income of the assessee at Rs.65,83,310/-. The assessee has filed an appeal against the assessment order before the learned CIT(A) on 19.04.2022 and claimed that the said appeal is pending for

disposal. Thereafter, the Assessing Officer issued notice u/sec.154 of the Act dated 13.06.2023 and called-upon the assessee to explain as to why an order u/sec.154 shall not be passed rectifying the mistake apparent on record inasmuch as, although, the total income was assessed at Rs.65,83,310/-, but, in the computation of income, the assessed income was taken at Rs.62,54,400/-and further, the tax was not computed as per sec.115BBE of the Act. The assessee filed her objections for computing the tax as per sec.115BBE of the Act on the ground that the transactions are made prior to 15.12.2016 when the provision was not there in the statute. The Assessing Officer rejected the explanation furnished by the assessee and passed order u/sec.154 of the Act dated 13.06.2023 and assessed total income at Rs.65,83,310/- and computed tax as per the provisions of sec.115BBE of the Act on additions made towards cash deposit of Rs.62,54,400/-.

5. The assessee filed an appeal against the order passed by the Assessing Officer u/sec.154 of the Act before the learned CIT(A) electronically on 12.07.2023 and

challenged levy of tax @ 60% u/sec.115BBE of the Act. The learned CIT(A) disposed of the appeal of the assessee vide order dated 03.09.2024 and upheld the reasons given by the Assessing Officer for levy of tax as per the provisions of sec.115BBE of the Act.

6. Aggrieved by the learned CIT(A) order, the assessee is now in appeal before the Tribunal.

7. CA K. Hanmandloo, Learned Counsel for the Assessee submitted that the learned CIT(A) has erred in disposing of the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.154 of the Act without taking into cognizance of the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.143 r.w.s.147 of the Act dated 24.03.2022, even though, the assessee has challenged the additions made by the Assessing Officer towards cash deposit and unless the learned CIT(A) decided the said appeal and it's taxability, he cannot dispose of the appeal filed by the assessee against the order passed u/sec.154 of the Act dated 13.06.2023 by the Assessing Officer. Therefore, he submitted that the

matter may be remitted back to the file of learned CIT(A) to decide this appeal simultaneously along with the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.143(3) r.w.s.147 of the Act or after deciding the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.143(3) r.w.s.147 of the Act.

8. Dr. Sachin Kumar, learned Sr. AR for the Revenue, on the other hand, fairly agreed that this appeal may be set-aside to the file of learned CIT(A) with appropriate directions to decide afresh along with the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.143(3) r.w.s.147 of the Act.

9. We have heard both the parties, perused the material on record and the orders of the authorities below. We find that assessee has filed separate appeal against the order passed by the Assessing Officer u/sec.143(3) r.w.s.147 of the Act dated 24.03.2022 and challenged consequent additions made towards cash deposit u/sec.69A

of the Act and also filed appeal against the order passed by the Assessing Officer u/sec.154 of the Act dated 13.06.2023 levying tax @ 60% u/sec.115BBE of the Act and both appeals are pending before learned CIT(A). In the present case, even though, the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.143(3) r.w.s.147 is pending for adjudication, the learned CIT(A) disposed of the appeal filed by the assessee against the order passed by the Assessing Officer u/sec.154 of the Act dated 13.06.2023, without taking cognizance of the appeal filed by the assessee u/sec.143(3) r.w.s.147 of the Act. Therefore, in our considered view, this issue needs to be go back to the file of learned CIT(A) to decide the issue simultaneously along with appeal filed by the assessee against the order passed by the Assessing Officer u/sec.143(3) r.w.s.147 of the Act dated 24.03.2022 or after deciding the appeal filed by the assessee against the order of the Assessing Officer passed u/sec.143(3) r.w.s.147 of the Act dated 24.03.2022.

10. In the result, appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 16.04.2025

Sd/-
[VIJAY PAL RAO]
VICE PRESIDENT

Sd/-
[MANJUNATHA G]
ACCOUNTANT MEMBER

Hyderabad, Dated 16th April, 2025

VBP

Copy to

1.	Vasanth Laxmi Veerapaneni, Pent House-4, Moova Nest, Opp. Vijetha Super Market, Nizampet Road, Hyderabad – 500 074.
2.	The Income Tax Officer, Ward – 11 (1), Signature Towers, Kondapur, Kothaguda, Opp. Botanical Gardens, Hyderabad – 500 -084. Telangana
3.	The Pr. CIT, Hyderabad.
4.	The DR ITAT “B” Bench, Hyderabad.
5.	Guard File.

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//By Order//