

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH, 'A' CHANDIGARH

BEFORE SHRI RAJPAL YADAV, VICE PRESIDENT AND
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER

आयकर अपील सं./ ITA No. 1098/CHD/2024

निर्धारण वर्ष / Assessment Year: 2013-14

Shri Kesar Singh Chahal, New Anaj Mandi, Tohana (Haryana).	Vs	The ITO, Ward - 1, Fatehabad.
स्थायी लेखा सं./PAN NO: ALQPC1141B		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

Assessee by : Shri Parikshit Aggarwal, CA

Revenue by : Shri Vivek Vardhan, Addl. CIT, Sr.DR

Date of Hearing : 12.03.2025

Date of Pronouncement : 23.04.2025

PHYSICAL HEARING

ORDER

PER RAJPAL YADAV, VP

The assessee is in appeal against the order of the ld. Commissioner of Income Tax (Appeals) [in short 'the CIT (A)'] dated 07.10.2024 passed for assessment year 2013-14.

2. The assessee has taken six grounds of appeal which are not in consonance with Rule 8D of the ITAT Rules and they are descriptive and argumentative in nature.

3. In brief the grievance of the assessee revolves around two fold, namely, 1d. CIT(A) has erred in upholding the re-opening of assessment and confirming the addition of Rs.64,60,500/- which was added by the AO with the aid of Section 69A of the Income Tax Act.

4. The brief facts of the case are that assessee is an agriculturist having 240 kanal of land. In other words, he was having 30 acres of land alongwith his son. He has a 'Kisan Gold Credit Card' with HDFC Bank where, according to the AO, deposits of Rs.63,70,000/- were noticed. The assessee did not file his return of income, therefore, his assessment was reopened. The assessee contended before the AO that he has not made any deposit exceeding Rs. 10 lacs in this account. The alleged accumulated sum of Rs.63,70,000/- is the amount which has been rotated in this account. In other words, it is the total credit side of the account during the year. The assessee has been withdrawing the same from this account and re-depositing it. For buttressing his statement, assessee has filed copy of the bank statement as well as copy of the Jamabandi and

Girdawari exhibiting the fact that agriculture land of more than 30 acres is being owned and possessed by him and his son. He has also filed copy of an account from his Commission Agent M/s Bharpur Singh.

5. With the assistance of ld. Representative, we have gone through the record carefully. It emerges out from the record that assessment order was an ex-parte order, however before the CIT(A), assessee has submitted the complete details and filed application under Rule 46A of the Income Tax Act. The ld. CIT(A) called for the Remand Report of the AO whose copy is available on page No. 51 to 53 of the Paper Book. We have gone through all these documents. We find that alleged account with the HDFC Bank is a Kisan Gold Credit Account where the deposits have been made as well as sums have been withdrawn. The assessee has produced Cash Flow Statement on page No. 40 to 41 of the Paper Book. We have examined this cash flow alongwith the bank account whose statement is available on page No. 49 to 50 of the Paper Book. We find that sufficient withdrawals have been made by the assessee which has been re-deposited. He has more

than Rs.25 lacs of agriculture income from alleged 30 acres, therefore, assessee has sufficient source of income. The ld. Revenue Authorities have failed to appreciate the entries in the alleged bank account as well as statement of affairs of the assessee who owned 30 acres of land. No addition under Section 69A deserves to be made in the hands of the assessee. Accordingly, we allow second fold of grievance and delete the addition of Rs.64,60,500/- made by the AO.

6. As far as first fold of grievance is concerned, we do not find any merit in this ground of appeal because assessee did not file return of income and for the purpose of verifying the alleged deposits, a notice under Section 148 was bound to be issued to the assessee. Accordingly, first fold of grievance of the assessee is rejected. However, the additions on merit are deleted.

7. In the result, appeal of the assessee is partly allowed.

Order pronounced on 23.04.2025.

Sd/-

Sd/-

(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

(RAJPAL YADAV)
VICE PRESIDENT

“Poonam”

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
5. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,
सहायक पंजीकार/ Assistant Registrar