

**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. 558/Agr/2024**  
**(निर्धारणवर्ष / Assessment Year:2010-11)**

<b>Dinesh Chand Agarwal HUF</b> 1403/1404, 14 <sup>th</sup> Floor, Shree Saichs Ltd. Serenity Complex, Offlink Road, Oshiwara, Jogeshwari West, Mumbai.	<b>बनाम/ Vs.</b>	<b>Income-tax Officer,</b> Ward 2(2)(1),Firozabad.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>AAAHD-5510-L</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थीकीओरसे/ <b>Appellant by</b>	:	Sh. Mahesh Kumar, CA – Ld. AR
प्रत्यर्थीकीओरसे/ <b>Respondent by</b>	:	Sh. Sukesh Kumar Jain – Ld. CIT-DR

सुनवाईकीतारीख/ <b>Date of Hearing</b>	:	21-02-2025
घोषणाकीतारीख / <b>Date of Pronouncement</b>	:	23-04-2025

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2010-11 arises out of an order passed by learned Commissioner of Income Tax (Appeals), NFAC, Delhi [CIT(A)] on 28-10-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 147 r.w.s. 144 of the Act on 22-12-2016. In the assessment order, Ld. AO made addition of Rs.66.22 Lacs u/s 69A for want of any satisfactory explanation from the assessee. The same was on the basis of search conducted in the case of M/s Mahasagar Securities and Mukesh Kumar Choksi Group who allegedly indulged in providing accommodation entries. The Ld. CIT(A) confirmed the assessment for the same very reasons. Aggrieved, the assessee is in further appeal before us. The Ld. AR filed written

submissions and assailed the assessment on legal grounds as well as quantum additions on merits. The Ld. CIT-DR pleaded for dismissal of the appeal of the assessee.

2. The Ld. AR has tabulated the credits received from various entities during the year. Upon perusal of the same, it could be seen that the credits have been received from related entities as well as out of consideration received from sale of certain shares. It also appear that during the course of lower proceedings, the assessee had filed written submissions along with various documentary evidences in support of all the transactions. This is in contrast to the findings of lower authorities that the assessee failed to produce any submissions / documents. On these facts, we deem it fit to afford another opportunity of hearing to the assessee to substantiate its case before Ld. CIT(A). Accordingly, the impugned order is set aside and the appeal is restored back to the file of Ld. CIT(A) for de novo adjudication after affording reasonable opportunity of hearing to the assessee. The assessee is directed to substantiate its case forthwith.

3. 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: 23-04-2025

**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