

आयकर अपीलिय अधिकरण "एस एम सी" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "SMC" BENCH, PUNE

BEFORE Dr. MANISH BORAD, ACCOUNTANT MEMBER
AND
MS. ASTHA CHANDRA, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.595&596/PUN/2025
निर्धारण वर्ष / Assessment Year: 2017-2018 & A.Y. 2012-2013

Vicky Parsram Lakhwani PWD 26/10,Opposite Natasha Nursing Home, Pimpri, Pune-411018 Maharashtra	Vs	Commissioner of Income Tax (Appeals), Pune
PAN-ADPPL1320E Appellant		Respondent

Assessee by	:	Shri Umesh Mali & Shri Ishan Tilokchandani
Revenue by	:	Shri Akhilesh Srivastava, Additional CIT
Date of hearing	:	22.04.2025
Date of pronouncement	:	28.04.2025

आदेश/ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

These appeals at the instance of assessee are directed against the order passed by CIT(A)NFAC, Delhi u/s 250 of the Income-tax Act, 1961 dated 28.10.2024 and 25.10.2024.

2.(a) Assessee has raised following grounds of appeal for the A.Y. 2017-18:-

1) Ground No. 1

On the facts and circumstances of the case and in Law, the Ld. Assessing officer erred in making addition of Rs. 18,03,303/-on account of payment made through credit card by invoking provisions of section 69C of Income Tax Act 1961.

2.1) Appellant was working at petrol pump. During the year he was delivering petrol, Diesel on the basis of commission. he taking this petrol from Om Ram Fuel Centre, he has made payment at petrol pump through his credit card.

2) GROUND No. 2

On the facts and circumstances of the case and in Law, the Ld. Assessing officer erred in making addition of Rs. 3,13,984/-by considering the margin @ 0.05 on Rs. 6,27,96,857/-being turnover of share trading. He failed to consider that actual there is loss in this share trading

2.1) During the year under consideration appellant has made transactions at national stock exchange of Rs. 6,27,96,857/-Actually there is loss from these transactions but learned AO has considered profit margin @ 0.5% on these transactions.

3) GROUND No. 3-

The appellant craves leave to add/amend or alter any of the above grounds of Appeal.

2.(b) Assessee has raised following grounds of appeal for the A.Y. 2012-13:-

1) GROUND No. 1

On the facts and circumstances of the case and in Law, the Ld. Assessing officer erred in making addition of Rs. 11,47,000/-on account of cash deposit in bank by invoking provisions of section 69A of Income Tax Act 1961.

1.1) Appellant was working at petrol pump. During the year he was delivering petrol, Diesel on the basis of commission. he taking this petrol from Om Sai Ram Fuel Centre, he has deposited this cash which was generated from delivery of petrol and diesel.

1.2) Noteworthy fact is there is immediate payment to petrol pump as soon as there is cash deposit in bank. This fact makes it clear that cash has been deposited out of proceeds generated from diesel and petrol only.

2) GROUND No. 2

On the facts and circumstances of the case and in Law, the Ld. Assessing officer erred in making addition of Rs. 9,21,286/-on account of payment made through credit card by invoking provisions of section 69C of Income Tax Act 1961.

2.1) Appellant was working at petrol pump. During the year he was delivering petrol, Diesel on the basis of commission. he taking this petrol from ram fuel Centre. he has made payment at petrol pump through his credit card.

3) GROUND No.3

The appellant craves leave to add/amend or alter any of the above grounds of Appeal.

3. At the outset Ld. counsel for the assessee stated that since there was no effective pleading before both the lower authorities the matter may be restored to the file of Ld. Jurisdictional Assessing Officer (JAO). Ld. DR did not oppose.

4. We have heard rival contentions and perused the record placed before us. The assessee is an individual and Assessment order for A.Y. 2012-13 and A.Y. 2017-18 were framed as best judgement assessment u/s 144 of the Act as the assessee failed to comply to any other notice of hearing. Though the assessee filed the appeal for both the impugned orders but failed to appear on the given date of hearing resulting in dismissing of appeals . Considering the prayer of assessee and no objection being raised by Ld. DR, we remit back the issues on merits to the file of Ld. JAO for *De-novo* Adjudication to be carried out after providing reasonable opportunity to the assessee. Assessee is directed to remain vigilant and not to take unnecessary adjournment unless otherwise for reasonable cause. Effective grounds of appeal raised by the assessee in both the appeals are allowed for statistical purposes.

5. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced on this 28th day of April, 2025.

Sd/-
(ASTHA CHANDRA)
JUDICIAL MEMBER

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे/ Pune; दिनांक / Dated: 28th April, 2025.

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.

4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच,
पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.