

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "SMC", MUMBAI**

BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER

**ITA No.1095/M/2025
Assessment Year: 2017-18**

Mrs. Meenakshi Pravinchandra Doshi, B29, Pushpanjali Bldg., Jambli Gulli, Borivali W, Maharashtra – 400 092 PAN: AQYPD5258M	Vs.	Income Tax Officer- 42(1)(3), Kautilya Bhavan, BKC Bandra E, Maharashtra - 400051
(Appellant)		(Respondent)

Present for:

Assessee by : Shri Jay Shah, Ld. A.R.
Revenue by : Shri Manoj Kumar Sinha, Ld. Sr.D.R.

Date of Hearing : 09.04.2025
Date of Pronouncement : 28.04.2025

O R D E R

Per : Narender Kumar Choudhry, Judicial Member:

This appeal has been preferred by the Assessee against the order dated 19.12.2024, impugned herein, passed by the National Faceless Appeal Center (NFAC)/ Ld. Commissioner of Income Tax (Appeals) (in short Ld. Commissioner) u/s 250 of the Income Tax Act, 1961 (in short 'the Act') for the A.Y. 2017-18.

2. In this case, only addition of Rs.24,75,500/- which was made by the Assessing Officer (AO) as unexplained source of investment u/s 169 of the Act, is in controversy. The Assessee had purchased an immovable property along with a co-owner for a total consideration of Rs.49,51,000/-. The Assessee has 50% share in the said property amounting to Rs.24,75,500/-. Though the Assessee before the AO filed computation of income, bank statement and copy of sale deed but in spite of asking by the AO, the Assessee has not provided any reply with regard to the source of investment for purchase of property, therefore the AO made the addition of Rs.24,75,500/- being 50% of Rs.49,51,000/- and added the same in the income of the Assessee u/s 69A of the Act, to be taxed u/s 115BBE of the Act.

3. The Assessee, being aggrieved, challenged the said addition before the Ld. Commissioner and claimed that the source of investment is from her husband, son and other sources, however, failed to furnish any documentary evidence to substantiate the source of investment during appellate proceedings as well and therefore in the absence of any substantive documentary evidence, the Ld. Commissioner held that the source of investment in purchase of immovable property remained unexplained and therefore he accordingly, affirmed the aforesaid addition.

4. The Assessee before this Court has placed on record, copy of return of income, agreement for sale dated 04.07.2016 , bank statements of Union Bank of India, schedule of payment made to acquire property and details of source of funds as well as confirmation of accounts of Mr. Pravin Chandra Doshi (husband of the Assessee) in order to establish her claim. The Assessee further claimed that the said documents were made available before both the authorities below, however, reason best known to the authorities below, the said documents have not been considered by them.

5. This Court has given thoughtful considerations to the peculiar facts and circumstances of the case. At this stage, it would not be appropriate to go into the controversy as to whether the Assessee has filed and/or produced the aforesaid documents before the authorities below or not. However, in the interest of justice and for the just decision of the case, this Court is inclined to afford one more opportunity to the Assessee to substantiate her claim and thus, remanding the case to the file of the AO to determine afresh the issue in hand, suffice to say by affording reasonable opportunity of being heard to the Assessee. Thus, the case is remanded to the file of the AO accordingly.

6. In the result, the appeal filed by the Assessee stands allowed for statistical purposes.

Order pronounced in the open court on 28.04.2025.

**Sd/-
(NARENDER KUMAR CHOUDHRY)
JUDICIAL MEMBER**

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.