

IN THE INCOME TAX APPELLATE TRIBUNAL "SMCBENCH", RANCHI
BEFORESHRI GEORGE MATHAN, JM
&
SHRI RATNESH NANDAN SAHAY, AM
(THROUGH HYBRID MODE)

आयकरअपीलसं./ITA No.319/RAN/2024

(निर्धारणवर्ष / Assessment Year :2017-2018)

Maya Devi, Mahkol, Surajpura, Padma, Hazaribagh	Vs.	National Faceless Appeal Centre/PTN-W-(57)(1)
स्थायीलेखासं./PAN No. : BEIPD 3706H		
(अपीलार्थी/ Appellant)	..	(प्रत्यर्थी / Respondent)

निर्धारितीकीओरसे /Assessee by	:	Shri Devesh Poddar, Adv.
राजस्वकीओरसे /Revenue by	:	Shri Khubchand Pandya, Sr.DR
सुनवाईकीतारीख/ Date of Hearing	:	07/05/2025
घोषणाकीतारीख/ Date of Pronouncement	:	07/05/2025

आदेश / O R D E R

PerBench:

This is an appeal filed by the assessee against the order dated 24.06.2024 of the Id. CIT(A), National Faceless Appeal Centre (NFAC), Delhi, passed in ITBA/NFAC/S/250/2024-25/1065958703(1) for the assessment year 2017-2018.

2. Shri Devesh Poddar, Advocate appeared on behalf of the assessee. Shri Khubchand Pandya, Sr. DR appeared on behalf of the revenue.

3. It was submitted by the Id. AR that the assessee had received a loan of Rs.4,20,000/- from Shri Virendra Prasad Mehta, who was the relative of the assessee. The assessee had also received gift of Rs.1,49,000/- from her

mother-in-law Smt. Malti Devi and an amount of Rs.1,81,000/- from Shri Lalit Kumar, who is the father of the assessee. The assessee had also received Rs.1,95,000/- from her brother Shri Kuldeep Kumar. It was the submission that these amounts were received on account of the purchase of a property by the assessee for a consideration of Rs.58,85,000/-. It was the submission that the assessee is a widow. It was the submission that in respect of the loan from Shri Virendra Prasad Mehta for an amount of Rs.4,20,000/-, the same was received through RTGS and bank account details and transactions were also recorded in the bank accounts and Shri Virendra Prasad Mehta had also confirmed the transaction. In respect of the gift received from assessee's mother-in-law Malati Devi, it was submitted that she was drawing a family pension after the death of her husband, who was working in the Accountant General Office of Jharkhand. It was the submission that in respect of the gift received from Lalit Kumar, who was the father of the assessee, the certificate and confirmations and affidavits have also been produced that the same are out of the agricultural income. The sum received from Shri Kuldeep Kumar, who is brother of the assessee for an amount of Rs.4,95,000/-.It was the submission that the confirmation letters have been produced in respect of the three persons who have given the gifts and the person who had given the loan. It was the prayer that the addition made by the AO and confirmed by the Id. CIT(A) may be deleted.

4. In reply, Id.Sr. DR supported the orders of the AO and Id.CIT(A).

5. We have considered the rival submissions. A perusal of the facts of the case clearly shows that the loan has been received from Shri Vivendra Prasad Mehta through banking channels. The confirmation is filed and the transactions are through bank accounts, thus, the same remained undisputed. The assessee having proved the identity, genuineness and the creditworthiness, the said loan cannot be treated as the income of the assessee and consequently the addition as made in respect of loan from Shri Vivendra Prasad Mehta stands deleted.

6. Coming to the gift received from Malti Devi, Lalit Kumar and Shri Kuldeep Kumar, they are closely related to the assessee, who have confirmed the transactions, no evidence has been found to doubt the transaction and the relationship is also not disputed. As the identity, creditworthiness and genuineness of three gifts have also been proved and it is not disputed regarding relationship of the three persons with the assessee, they fall within the exempted category under the provisions of Section 56(2) of the Act and consequently, we are of the view that the addition made by the AO and as confirmed by the Id. CIT(A) is unsustainable and consequently the same is hereby deleted.

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

Order dictated and pronounced in the open court on 07/05/2025.

Sd/-
(RATNESH NANDAN SAHAY)
लेखासदस्य / ACCOUNTANT MEMBER

Sd/-
(GEORGE MATHAN)
न्यायिकसदस्य / JUDICIAL MEMBER

राँची Ranchi; दिनांक Dated 07/05/2025

Prakash Kumar Mishra, Sr.P.S.

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant-
2. प्रत्यर्थी/ The Respondent-
3. आयकरआयुक्त(अपील) / The CIT(A),
4. आयकरआयुक्त/ CIT
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण,राँची/ DR, ITAT, Ranchi
6. गार्डफाईल / Guard file.

सत्यापितप्रति //True Copy//

आदेशानुसार/BY ORDER,

(Senior Private Secretary)

आयकरअपीलीयअधिकरण, राँची/ ITAT, Ranchi