

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AGRA BENCH: AGRA**

**BEFORE  
SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER  
AND  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

ITA No.160/AGR/2025  
(ASSESSMENT YEAR: 2019-20)

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| Saurabh Jain,<br>1, Near Sanjeevani<br>Hospital Garha Colony,<br>Guna,<br>Madhaya Pradesh-473001<br>PAN-BGJPJ7915F | Vs. | Income Tax Officer,<br>Guna. |
| <b>(Appellant)</b>   |     | <b>(Respondent)</b>          |

|                       |                                |
|-----------------------|--------------------------------|
| Assessee by           | Shri Subhash Jain, CA          |
| Department by         | Shri Sukesh Kumar Jain, CIR-DR |
| Date of Hearing       | 22/05/2025                     |
| Date of Pronouncement | 24/06/2025                     |

**ORDER**

**PER MANISH AGARWAL, AM:**

This appeal is filed by the assessee against the order of the Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [Ld. CIT(A) in short] u/s 250 of the Income Tax Act, 1961 ('the Act' for short).

## 2. The assessee has taken the following grounds of appeal:

1. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred in setting aside assessment without dealt to filed ground of appeal hence whole order is bad in law.*
2. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred in not appreciating that the reassessment order passed under Section 147 r.w.s. 144 is void ab initio because same was framed on duplicate PAN of the appellant while appellant assessed on original PAN. Thus Ld. CIT(A) erred in not deciding to such matter required under the law.*
3. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred in not dealt the ground regarding illegal addition of 24,83,15,217/- under Section 69A on account of cash deposits in the bank accounts which were duly recorded in the books of accounts and supported by an audit report, making the invocation of Section 69A unwarranted.*
4. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred not dealt to the ground regarding ignoring to the duplicate PAN allotted by the department instead of second copy of original (PAN AEDPJ2677P) because copy of Original PAN was not available with appellant. Thus set aside the matter without directing for such issue is against of law.*
5. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred in not deciding to the ground for deposit Rs. 2,32,68,300/- in bank account no. 10180002441668 out of cash sale of god poshak/cloth of his branch as well as cash deposit into another Bank A/c no. 10180003356720 in HO books duly account but treated as unrecorded cash.*
6. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred not dealt to the ground of ignoring to the submissions and documents filed before the Assessing Officer.*
7. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred in not dealt to wrongly levied to the interest under Sections 234A, 234B & 234C and the wrongful initiation of penalty proceedings under Section 271AAC(1), which were imposed without any factual or legal basis.*
8. *On the facts and circumstances of the case, the Commissioner of Income Tax (Appeals) has erred in not dealt for quashing the reassessment order under Section 147 r.w.s. 144 as well as not dealt to addition of 4,83,15,217/- made under Section 69A, along with the consequential interest and penalty levied. Hence be decided appeal after directing to whole proceedings against of law.*
9. *That the appropriate order for granting justice and relief be passed.*
10. *Your appellant reserves its right to add to amend to alter or to modify any of above grounds and to pursue any other or further grounds as may be required.*

3. The main contention of the assessee is that the Ld. CIT(A) while deciding the appeal of the assessee has exercised the power conferred in terms of proviso to section 251(1)(a) of the Act and set aside the assessment order to the file of AO with certain directions for making fresh assessment. The ld. AR of the assessee submitted that the Ld. CIT(A) has not decided the legal issues taken by the assessee with respect to the reopening of the assessment and, therefore, he requested that the legal issues raised by the assessee deserves to be decided.

4. On perusal of the orders of the lower authorities, it is seen that in the instant case, reassessment proceedings by way of issue of notice u/s 148 were initiated on the basis of information that the assessee is having heavy transaction of deposits and withdrawal in the bank account with Bandhan Bank which account was not disclosed in the regular return filed by the assessee.

5. Before us, the ld. AR submits that at the time of reassessment proceedings, it was stated by the assessee that he applied for duplicate PAN but allotted another PAN (BGJPJ7915F) which inadvertently was given to Bandhan bank at the time of opening of the bank account. Since, assessee is regularly assessed to tax and is filing the return of income on his regular PAN No. AEDPJ2677P, no return was available on another PAN which was inadvertently given to the bank. He further stated that the bank account with Bandhan Bank related contained the transactions made at the branch of the

assessee which remained to be included in the regular books of accounts prepared at head office. The Ld. AR further submits that since the said bank account was not incorporated in the books, therefore, during the reassessment proceedings, transactions in the said account were incorporated and loss of Rs.63,20/- was claimed. The Ld. AR further submitted that the other bank account with Bandhan Bank are duly recorded in the books of accounts and, therefore, the action of the AO in re-opening the assessment is bad in law. The Ld. AR further contended that the assessment was completed on the other PAN whereas the assessee is filing his return of income regularly on PAN AEDPJ2677P, therefore, the order passed u/s 147 on wrong PAN is invalid and deserves to be held bad in law.

5. On the other hand, the Ld. Sr. DR supported the order of the lower authorities and submitted that it is clear case of concealment of income on the part of the assessee where the assessee deliberately obtained another PAN and submitted the same to the bank for opening another account. The intention of the assessee further proved from the fact that transactions made in the said bank account were neither incorporated in regular books nor reported in the return of income filed, thus, there is no error on the part of the AO in invoking the provisions of section 147 for reopening of the assessment.

6. We have heard the rival submissions and perused the materials available on record. From the perusal of the facts of the present case,

it appears that assessee intentionally applied for another PAN making application for duplicate PAN card. Such application for allotment of PAN was processed and PAN No. BGJPJ7915F was allotted to the assessee. As per the procedure for applying for duplicate PAN card, assessee has to state that the application was made for duplicate PAN card which appears not done in the present case. Thus there was no error on the part of the Department in allotting the assessee another PAN. Further, the assessee has given that other PAN to the bankers and it is also a matter of fact that all the accounts of the assessee that Bandhan Bank are linked with one Adhar and all these accounts are operated by the assessee himself. It is also a matter of fact that assessee never disclosed the branch officer in the return of income filed and the transactions carried out in the said bank accounts were deliberately concealed from the Department and were never incorporated in the regular books of accounts. It is only when reassessment proceedings were initiated u/s 148, the assessee came up with the story that a duplicate PAN was issued to him and he has Branch at Guna under the name & style as Saurabh Jain where he is having retail sale of Poshak/ Cloths of which the transactions are carried out from the bank account linked with New PAN. Under these circumstances, we are not in agreement with the contention of the assessee that the Assessing Officer has made any error in re-opening the assessment nor any error in passing the reassessment order on other PAN as nowhere in the proceedings before the Assessing Officer, assessee has stated these facts nor co-operated in the proceedings, therefore, all the legal

grounds of appeal taken by the assessee are dismissed. It is also a relevant to state that the issue as on merits of additions have already been set aside by Ld. CIT(A) to the file of AO for fresh consideration, therefore, we are not commenting upon the merits of the additions made.

9. In the result, the appeal of the assessee is dismissed.  
Order pronounced in the open court on 24.06.2025.

Sd/-  
**(SUNIL KUMAR SINGH)**  
**JUDICIAL MEMBER**

Sd/-  
**(MANISH AGARWAL)**  
**ACCOUNTANT MEMBER**

Dated: 24.06.2025

PK/Sr. Ps

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR