

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR "SMC" BENCH : NAGPUR

BEFORE SHRI NARENDER KUMAR CHOUDHRY, JUDICIAL MEMBER

I.T.A.No. 199 & 200/NAG/2024
(Assessment Year 2013-14 & 2014-15)

Prakash Ingole B-18, Kolaba Swamy Colony Katol Road, Nagpur 440 013 PAN : AACPI3387C (Appellant)	vs.	Income Tax Officer Ward-3(3), Nagpur (Respondent)
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For Assessee :	Shri Manoj Moryani, Ld.Advocate
For Revenue :	Shri Surajit Kumar Saha, Ld. Sr.DR

Date of Hearing :	24.06.2025
Date of Pronouncement :	24.06.2025

ORDER

These appeals have been preferred by the same assessee against the separate orders each dated 29/01/2024 impugned herein passed by the Ld. Commissioner of Income Tax (Appeals)/NFAC, Delhi [in short, "Ld.Commissioner"] u/sec. 250 of the Income Tax Act, 1961 (for short, "the Act") for the Assessment Year (for short, "AY") 2013-14.

2. Both the appeals are having involved identical facts and issues, therefore, for the sake of convenience and brevity, the same were heard together and are being disposed of by this composite

order by taking into consideration ITA No. 199/NAG/2024 as a lead case.

3. In the instant case, the Assessing Officer has recorded the reasons for reopening to the effect that during the A.Y. 2013-14, the assessee had invested ₹ 1,65,000/- in Wasankar Wealth Management, Nagpur, but failed to explain the source of investment along with documentary evidence and, hence, the source of investment of ₹ 1,65,000/- remains unexplained. The Assessing Officer, ultimately, made the addition of ₹ 2,48,000/- on account of unaccounted money u/sec. 69A of the Act, addition of ₹ 46,613/- on account of interest income and addition of ₹ 9,28,735/- as undisclosed investment in shares. Admittedly, the aforesaid additions are not in sync with the reasons recorded for reopening and even otherwise it is an admitted fact that Wasankar Wealth Management, Nagpur has cheated the public at large and for that the assessee has also filed a police report before the Economic Crime Branch at Nagpur on 19/02/2015, which supports the contention of the assessee. Admittedly, the Assessing Officer has made the addition of ₹ 9,28,735/- just on the basis of information available, but without disclosing any substantive material. Unless and until *prima-facie* the case is established against the assessee, the liability upon the assessee cannot be fastened, as enshrined in the law applicable. Thus, the instant addition is unsustainable.

4. Coming to the other addition of ₹2,48,000/- made by the Assessing Officer u/sec. 69A of the Act, this Court observe that the assessee admittedly was drawing pension of ₹ 1,10,988/- and, therefore, investment to the amount of ₹ 2,48,000/- *prima-facie*

seems to be probable and plausible. Thus, no addition on this count is also unsustainable.

5. Coming to the addition of ₹ 46,613/- which has been made by the Assessing Officer, this Court observe, as the assessee's income was below the taxable limit and, therefore, he has not shown that particular interest amount of ₹ 46,613/- in its return of income and therefore, this addition on this count also unsustainable. Thus, the appeal of the assessee is allowed.

6. The order passed in ITA No. 199/NAG/2024 is also applicable *mutatis mutandis* to the appeal in ITA No. 200/NAG/2024.

7. In the result, the appeals of the Assessee in ITA Nos. 199 & 200/NAG/2024 are allowed.

Order pronounced in the open Court on 24.06.2025.

Sd/-
(Narender Kumar Choudhry)
Judicial Member

vr/-

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1.	The appellant
2.	The respondent
3.	The CIT(A), Nagpur concerned.
4.	D.R. ITAT, Nagpur Bench, Nagpur.
5.	Guard File.

//True Copy //

By Order

Sr. Private Secretary,
ITAT, Nagpur Bench.