

**IN THE INCOME TAX APPELLATE TRIBUNAL SURAT BENCH, SURAT  
(HYBRID HEARING)**

**BEFORE SHRI SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER &  
SHRI BIJAYANANDA PRUSETH, ACCOUNTANT MEMBER**

I.T.A. No. 961/SRT/2024  
(Assessment Year: 2012-13)

Chanchalben Dahyabhai Patel, 40-A, Dabhel Ghelwad Faila, Nani, Daman-396210	Vs.	Income Tax Officer, Daman, Daman & Diu
[PAN No. ALJPP3816D]		
(Appellant)	..	(Respondent)

<b>Appellant by :</b>	Shri P M Jagasheth, CA
<b>Respondent by:</b>	Shri Aashish Pophare, CIT DR

<b>Date of Hearing</b>	10.07.2025
<b>Date of Pronouncement</b>	18.07.2025

ORDER

**PER SIDDHARTHA NAUTIYAL - JUDICIAL MEMBER:**

This appeal has been filed by the Assessee against the order passed by the Ld. Commissioner of Income Tax (Appeals), (in short “Ld. CIT(A)”), National Faceless Appeal Centre (in short “NFAC”), Delhi vide order dated 13.08.2024 passed for A.Y. 2012-13.

2. The assessee has raised the following grounds of appeal:

“1. I am a senior citizen widow lady. I am a tax compliant citizen. In the past I lost my husband (ex MP Daman) during unfortunate corona pandemic. Since then i was not in stable healthy/mental condition to follow up and comply the departmental notices. I have discontinued all business activities. Even now, I am struggling with my bad health.

2. In Para 10 of the assessment order there is an addition of Rs.33.50, 268. This is based on the estimated income of 2.8% on turnover of Rs.11, 96, 52,434. Whereas the profit and loss already submitted/declared and on record with the AO shows the profit of Rs.33,30,581.25 on turnover of Rs.10 93, 44,350. These figures were arrived by considering all the entries in the bank statements as discussed in the order. But

*Assessing officer hypothetically increased the turnover and profit percentage on estimated basis.*

3. *In Para 11 of the assessment order there is an addition of Rs.4, 13, 17,078. This is based on the analysis of other bank statements. These additions are against the facts of the case. All receipts are not income. There are certain transactions among the family member, which are not income. There is capital gain on certain transactions. Even cash deposits are from cash in hand or cash withdrawal occasionally. All cash deposits are not income.*

4. *In Para 12 of the assessment order there is an addition of Rs.20, 00,000 as unexplained investments. All fixed deposits are made and paid from the bank accounts itself. It is evident from the bank statements, where from Fixed deposits are made. In the previous two paragraphs all the credit entries are added as income. Then fixed deposits creation is outflow from the inflow already added as income. This addition is the fit case of DOUBLE TAXATION. Once as the credit entries in the bank and second as the Fixed deposit creation outflow from the bank.*

5. *In Para 13 of the assessment order there is an addition of Rs.3,00,000 as rental income. This, we already have offered as income.*

6. *In Para 14 of the assessment order there is an addition of Rs.9, 69,119 as unaccounted interest income. These receipts were already added as income and taxed in Para 10 & 11 of the order. This is evident from the Para 10& 11 explanations. Where all bank credit entries were considered as income. These receipts were already considered as income at the time of making addition of credit entries. This is again the case of DOUBLE TAXATION.*

7. *In Para 15 of the assessment order there is an addition of Rs.15.75,764. This income is already taxed in Para 10 of the order. This is evident from the profit and loss account affixed & considered in the Para 10 of the order. This fig is clearly showing in the profit and loss account as income. This is again the case of DOUBLE TAXATION.*

8. *In Para 16 of the assessment order there is an addition of Rs.60,37,040 as profit from sale of shares. These receipts were already added as income and taxed in Para 10 & 11 of the order. This is evident from the Para 10& 11 explanations. Where all bank credit entries were considered as income. These receipts were already considered as income at the time of making addition of credit entries. This is the case of DOUBLE TAXATION. Once as receipts of amount and second as profit on sale of these receipts. When full receipts were added as income, then adding profit on sale is the case of double taxation.*

9. *In Para 17 of the assessment order there is an addition of Rs.3, 65,000 as interest income on KVP. The interest is calculated on estimated basis.”*

3. The brief facts of the case are that the assessee is an individual and had not filed her return of income for the A.Y. 2012-13. During the course of assessment proceedings the Assessing Officer made addition of Rs. 33,50,268/- (income from business and profession) and Rs.4,13,17,078/- (unexplained cash credit) and Rs. 20,00,000/- (unexplained investment) and Rs. 3,00,000/- (unaccounted rental income) and Rs. 9,69,119/- (unaccounted interest income) and Rs. 15,75,764/- (unaccounted income from Dumper) and Rs. 60,37,040/- (unaccounted profit /gain from sale of shares) and Rs. 3,65,000/- (unaccounted interest income) making total assessed income of Rs. 5,59,14,270/-.

4. In appeal, Ld. CIT(A) dismissed the appeal of the assessee on account of non-appearance, with the following observations:

*“4.1 During the course of appeal proceedings, the appellant was issued hearing notices dated 21.01.2021, 14.03.2022, 22.04.2022, 22.09.2022, 23.08.2023, 10.01.2024, 08.04.2024 & 02.07.2024 in response to which the appellant did not give any response.*

*Taking into consideration the Assessment order and the remand report submitted by AO, present appeal is being decided on merits as per discussions as under:*

*4.2 For this year, apart from Statement of Facts, no submission has been filed by the assessee. The facts of the case as well as the issues involved therein are same as in assessee's own case for Asstt. Year 2011-12. Hence for reasons given in detail in the appeal order for AY 2011-12, additions made by the AO are confirmed.*

*4.3 Hence all grounds of appeals filed by the assessee are dismissed.*

***5. In the result, appeal of the assessee is dismissed.”***

5. The assessee is in appeal before us against the aforesaid order passed by Ld. CIT(A). Before us, the Counsel for the assessee submitted that the assessee is an old woman of 76 years of age and the assessee's husband had expired in 2019, which is close to the date of passing of the assessment order

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which was passed in the month of December 2019. Further, all notices were sent by Ld. CIT(A) to the email id of the accountant of the assessee and the assessee was not informed about the pending proceedings before Ld. CIT(A) due to inadvertence on part of the accountant of the assessee. Accordingly, it was submitted that keeping into consideration the substantial addition of above Rs. 5 crores in the hands of the assessee, looking into the advanced age of the assessee (76 years of age) and also the fact that the assessee's husband had expired at the time of passing of assessment order, in the interest of justice, the assessee may be given another opportunity to present it's case on merits.

6. On going through the facts of the assessee's case, in our considered view, in the interest of justice, the matter may be restored to the file of Assessing Officer for de-novo consideration.

7. In the result, the appeal of the assessee is allowed for statistical purposes.

**Order pronounced under proviso to Rule 34 of ITAT Rules, 1963 on 18/07/2025**

**Sd/-**  
**(BIJAYANANDA PRUSETH)**  
**ACCOUNTANT MEMBER**

Ahmedabad; Dated 18/07/2025

TANMAY, Sr. PS

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, सूरत / DR, ITAT, Surat
6. गार्ड फाईल / Guard file.

**Sd/-**  
**(SIDDHARTHA NAUTIYAL)**  
**JUDICIAL MEMBER**

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)  
आयकर अपीलीय अधिकरण, सूरत/ ITAT, Surat