

**IN INCOME TAX APPELLATE TRIBUNAL  
“A” BENCH : BANGALORE**

**BEFORE SHRI. LAXMI PRASAD SAHU, ACCOUNTANT MEMBER AND  
SHRI. KESHAV DUBEY, JUDICIAL MEMBER**

ITA Nos. 1468 to 1473/Bang/2025
Assessment Years : 2013-14 to 2018-19

Shri. B. M. Venkataramana Gowda, (Legal heir of Late Shri B. M. Chandregowda), PWD Contractor, Balasettyhalli, Mudiyanur Post, Mulbagal Taluk, Kolar District – 563 127. Karnataka. <b>PAN : AGBPC 6307 P</b>	Vs.	DCIT, Central Circle –1, Bengaluru.
<b>APPELLANT</b>		<b>RESPONDENT</b>

Assessee by	:	Shri. Chaitanya V. Mudrabettu, Advocate
Revenue by	:	Shri. Shivanand H Kalakeri, CIT(DR)(ITAT), Bangalore.

Date of hearing	:	24.07.2025
Date of Pronouncement	:	30.07.2025

**ORDER**

***Per Bench :***

These 6 appeals are filed by the assessee against common Order passed by the CIT(A) vide DIN and Orders dated 13.06.2025 as detailed below:

1. AY 2013-14      DIN: ITBA/APUM/250/2025-26/1076993372(1)
2. AY 2014-15      DIN: ITBA/APUM/250/2025-26/1076993527(1)
3. AY 2015-16      DIN: ITBA/APUM/250/2025-26/1076993769(1)
4. AY 2016-17      DIN: ITBA/APUM/250/2025-26/1076993902(1)
5. AY 2017-18      DIN: ITBAIAPL/M/250/2025-26/1076994016(1)

6. AY 2018-19      DIN: ITBA/APUM/250/2025-26/1076994161 (1)

2.      The Grounds raised by the assessee are as follows:

**For Assessment Year 2013-14:**

1. The order of assessment passed under section 153A of the Act by the learned assessing officer and confirmed by CIT(A) in so far as it against the Appellant is opposed to law, equity, weight of evidence, probabilities and the facts and circumstances in the Appellant's case.
2. The Appellant denies himself to be assessed to an income of Rs.1,42,07,070/- against the returned income of Rs.88,07,070/- on the facts and circumstances of the case.
3. The Appellant denies himself liable to be assessed under section 153A of the Act under the impugned order on the ground that no incriminating material was unearthed during the search conducted u/s.132 of the Act under the facts and circumstances of the case. Reliance is placed on **PCIT, Central-3 Vs. Abhisar Buildwell (P). Ltd., [2023] 149 taxmann.com 399 (SC).**
4. The learned assessing officer and CIT(A) was not justified in holding that the additions of Rs.86,00,000/- was undisclosed, when the incomes were merely estimated, and hence the inference that the income was undisclosed, was bad in law, on the facts and circumstances of the case. Reliance is placed on **PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC).**

5. Without prejudice to the above the demand raised in the impugned assessment is not recoverable, being the assessment order is not followed with Notice of Demand u/s.156 of the Act. Reliance is placed on **Reliance is placed on Manmohanlal Vs. ITO [1987] 168 ITR 616 (SC).**
6. The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, no addition can be made in the audited books of accounts, without rejecting the books account maintained by the Appellant under the facts and circumstances of the case.
7. The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, "consent does not confer jurisdiction" on the facts and circumstances of the case.
8. Without prejudice to the above the assessment order u/s.143(3) of the Act, for the A.Y.2019-20 relevant to the F.Y.2018-19, the year in which search u/s.132 of the Act, was conducted, is also passed accepting the return of income filed by Appellant on 18.09.2020, on the facts and circumstances of the case. The rule of consistency needs to be followed.
9. Without prejudice to the right to seen waiver as per the parity of reasoning of the decision of the Hon'ble Apex Court in the case of

**For Assessment Year 2014-15:**

1. The order of assessment passed under section 153A of the Act by the learned assessing officer and confirmed by CIT(A) in so far as it against the Appellant is opposed to law, equity, weight of evidence, probabilities and the facts and circumstances in the Appellant's case.

2. The Appellant denies himself to be assessed to an income of Rs.1,82,09,260/- against the returned income of Rs.96,09,260/- on the facts and circumstances of the case.
3. The Appellant denies himself liable to be assessed under section 153A of the Act under the impugned order on the ground that no incriminating material was unearthed during the search conducted u/s.132 of the Act under the facts and circumstances of the case. Reliance is placed on **PCIT, Central-3 Vs. Abhisar Buildwell (P) Ltd., [2023] 149 taxmann.com 399 (SC)**.
4. The learned assessing officer and CIT(A) was not justified in holding that the additions of Rs.86,00,000/- was undisclosed, when the incomes were merely estimated, and hence the inference that the income was undisclosed, was bad in law, on the facts and circumstances of the case. Reliance is placed on **PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC)**.
5. Without prejudice to the above the demand raised in the impugned assessment is not recoverable, being the assessment order is not followed with Notice of Demand u/s.156 of the Act. Reliance is placed on **Reliance is placed on Manmohanlal Vs. ITO [1987] 168 ITR 616 (SC)**.
6. The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, no addition can be made in the audited books of accounts, without rejecting the books account maintained by the Appellant under the facts and circumstances of the case.

- 7.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, "consent does not confer jurisdiction" on the facts and circumstances of the case.
- 8.** Without prejudice to the above the assessment order u/s.143(3) of the Act, for the A.Y.2019-20 relevant to the F.Y.2018-19, the year in which search u/s.132 of the Act, was conducted, is also passed accepting the return of income filed by Appellant on 18.09.2020, on the facts and circumstances of the case. The rule of consistency needs to be followed.
- 9.** Without prejudice to the right to seen waiver as per the parity of reasoning of the decision of the Hon'ble Apex Court in the case of Karanavir Singh 349 ITR 692, the Appellant denies himself liable to be charged to interest under section 234A, 234B and 234C of the Act, on the facts and circumstances of the case. The appellant contends that the levy of interest under section 234A, 234B & 234C of the Act is also bad in law as the period, rate, quantum and method of calculation adopted by the learned assessing officer on which interest is levied are not discernible and are wrong on the facts of the case.
- 10.** The Appellant craves leave to add, alter, amend, substitute, change and delete any of the grounds of appeal.
- 11.** For the above and other grounds that mya be urged at the time of hearing of the appeal, the Appellant prays that the appeal may be allowed and justice rendered

**For Assessment Year 2015-16:**

1. The order of assessment passed under section 153A of the Act by the learned assessing officer and confirmed by CIT(A) in so far as it against the Appellant is opposed to law, equity, weight of evidence, probabilities and the facts and circumstances in the Appellant's case.
2. The Appellant denies himself to be assessed to an income of Rs.1,05,16,130/- against the returned income of Rs.60,16,130/- on the facts and circumstances of the case.
3. The Appellant denies himself liable to be assessed under section 153A of the Act under the impugned order on the ground that no incriminating material was unearthed during the search conducted u/s.132 of the Act under the facts and circumstances of the case. Reliance is placed on **PCIT, Central-3 Vs. Abhisar Buildwell (P) Ltd., [2023] 149 taxmann.com 399 (SC)**.
4. The learned assessing officer and CIT(A) was not justified in holding that the additions of Rs.45,00,000/- was undisclosed, when the incomes were merely estimated, and hence the inference that the income was undisclosed, was bad in law, on the facts and circumstances of the case. Reliance is placed on **PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC)**.
5. Without prejudice to the above the demand raised in the impugned assessment is not recoverable, being the assessment order is not followed with Notice of Demand u/s.156 of the Act. Reliance is placed on **Reliance is placed on Manmohanlal Vs. ITO [1987] 168 ITR 616 (SC)**.

- 6.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, no addition can be made in the audited books of accounts, without rejecting the books account maintained by the Appellant under the facts and circumstances of the case.
- 7.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, "consent does not confer jurisdiction" on the facts and circumstances of the case.
- 8.** Without prejudice to the above the assessment order u/s.143(3) of the Act, for the A.Y.2019-20 relevant to the F.Y.2018-19, the year in which search u/s.132 of the Act, was conducted, is also passed accepting the return of income filed by Appellant on 18.09.2020, on the facts and circumstances of the case. The rule of consistency needs to be followed.
- 9.** Without prejudice to the right to seen waiver as per the parity of reasoning of the decision of the Hon'ble Apex Court in the case of Karanvir Singh 349 ITR 692, the Appellant denies himself liable to be charged to interest under section 234A, 234B and 234C of the Act, on the facts and circumstances of the case. The appellant contends that the levy of interest under section 234A, 234B & 234C of the Act is also bad in law as the period, rate, quantum and method of calculation adopted by the learned assessing officer on which interest is levied are not discernible and are wrong on the facts of the case.
- 10.** The Appellant craves leave to add, alter, amend, substitute, change and delete any of the grounds of appeal.
- 11.** For the above and other grounds that may be urged at the time of hearing of the appeal, the Appellant prays that the appeal may be allowed and justice rendered

**For Assessment Year 2016-17:**

1. The order of assessment passed under section 153A of the Act by the learned assessing officer and confirmed by CIT(A) in so far as it against the Appellant is opposed to law, equity, weight of evidence, probabilities and the facts and circumstances in the Appellant's case.
2. The Appellant denies himself to be assessed to an income of Rs.1,66,58,980/- against the returned income of Rs.77,58,980/- on the facts and circumstances of the case.
3. The Appellant denies himself liable to be assessed under section 153A of the Act under the impugned order on the ground that no incriminating material was unearthed during the search conducted u/s.132 of the Act under the facts and circumstances of the case. Reliance is placed on **PCIT, Central-3 Vs. Abhisar Buildwell (P) Ltd., [2023] 149 taxmann.com 399 (SC)**.
4. The learned assessing officer and CIT(A) was not justified in holding that the additions of Rs.89,00,000/- was undisclosed, when the incomes were merely estimated, and hence the inference that the income was undisclosed, was bad in law, on the facts and circumstances of the case. Reliance is placed on **PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC)**.
5. The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, no addition can be made in the audited books of accounts, without rejecting the books account maintained by the Appellant under the facts and circumstances of the case.

- 6.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, "consent does not confer jurisdiction" on the facts and circumstances of the case.
- 7.** Without prejudice to the above the assessment order u/s.143(3) of the Act, for the A.Y.2019-20 relevant to the F.Y.2018-19, the year in which search u/s.132 of the Act, was conducted, is also passed accepting the return of income filed by Appellant on 18.09.2020, on the facts and circumstances of the case. The rule of consistency needs to be followed.
- 8.** Without prejudice to the right to seen waiver as per the parity of reasoning of the decision of the Hon'ble Apex Court in the case of Karanvir Singh 349 ITR 692, the Appellant denies himself liable to be charged to interest under section 234A, 234B and 234C of the Act, on the facts and circumstances of the case. The appellant contends that the levy of interest under section 234A, 234B & 234C of the Act is also bad in law as the period, rate, quantum and method of calculation adopted by the learned assessing officer on which interest is levied are not discernible and are wrong on the facts of the case.
- 9.** The Appellant craves leave to add, alter, amend, substitute, change and delete any of the grounds of appeal.
- 10.** For the above and other grounds that mya be urged at the time of hearing of the appeal, the Appellant prays that the appeal may be allowed and justice rendered

**For Assessment Year 2017-18:**

1. The order of assessment passed under section 153A of the Act by the learned assessing officer and confirmed by CIT(A) in so far as it against the Appellant is opposed to law, equity, weight of evidence, probabilities and the facts and circumstances in the Appellant's case.
2. The Appellant denies himself to be assessed to an income of Rs.1,72,79,600/- against the returned income of Rs.99,79,600/- on the facts and circumstances of the case.
3. The Appellant denies himself liable to be assessed under section 153A of the Act under the impugned order on the ground that no incriminating material was unearthed during the search conducted u/s.132 of the Act under the facts and circumstances of the case. Reliance is placed on **PCIT, Central-3 Vs. Abhisar Buildwell (P). Ltd., [2023] 149 taxmann.com 399 (SC)**.
4. The learned assessing officer and CIT(A) was not justified in holding that the additions of Rs.73,00,000/- was undisclosed, when the incomes were merely estimated, and hence the inference that the income was undisclosed, was bad in law, on the facts and circumstances of the case. Reliance is placed on **PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC)**.
5. The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, no addition can be made in the audited books of accounts, without rejecting the books account maintained by the Appellant under the facts and circumstances of the case.

- 6.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, "consent does not confer jurisdiction" on the facts and circumstances of the case.
- 7.** Without prejudice to the above the assessment order u/s.143(3) of the Act, for the A.Y.2019-20 relevant to the F.Y.2018-19, the year in which search u/s.132 of the Act, was conducted, is also passed accepting the return of income filed by Appellant on 18.09.2020, on the facts and circumstances of the case. The rule of consistency needs to be followed.
- 8.** Without prejudice to the right to seen waiver as per the parity of reasoning of the decision of the Hon'ble Apex Court in the case of Karanvir Singh 349 ITR 692, the Appellant denies himself liable to be charged to interest under section 234A, 234B and 234C of the Act, on the facts and circumstances of the case. The appellant contends that the levy of interest under section 234A, 234B & 234C of the Act is also bad in law as the period, rate, quantum and method of calculation adopted by the learned assessing officer on which interest is levied are not discernible and are wrong on the facts of the case.
- 9.** The Appellant craves leave to add, alter, amend, substitute, change and delete any of the grounds of appeal.
- 10.** For the above and other grounds that mya be urged at the time of hearing of the appeal, the Appellant prays that the appeal may be allowed and justice rendered

**For Assessment Year 2018-19:**

1. The order of assessment passed under section 153A of the Act by the learned assessing officer and confirmed by CIT(A) in so far as it against the Appellant is opposed to law, equity, weight of evidence, probabilities and the facts and circumstances in the Appellant's case.
2. The Appellant denies himself to be assessed to an income of Rs.2,03,53,910/- against the returned income of Rs.1,27,53,910/- on the facts and circumstances of the case.
3. The Appellant denies himself liable to be assessed under section 153A of the Act under the impugned order on the ground that no incriminating material was unearthed during the search conducted u/s.132 of the Act under the facts and circumstances of the case. Reliance is placed on **PCIT, Central-3 Vs. Abhisar Buildwell (P) Ltd., [2023] 149 taxmann.com 399 (SC)**.
4. The learned assessing officer and CIT(A) was not justified in holding that the additions of Rs.76,00,000/- was undisclosed, when the incomes were merely estimated, and hence the inference that the income was undisclosed, was bad in law, on the facts and circumstances of the case. Reliance is placed on **PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC)**.
5. Without prejudice to the above the demand raised in the impugned assessment is not recoverable, being the assessment order is not followed with Notice of Demand u/s.156 of the Act. Reliance is placed on **Reliance is placed on Manmohanlal Vs. ITO [1987] 168 ITR 616 (SC)**.

- 6.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, no addition can be made in the audited books of accounts, without rejecting the books account maintained by the Appellant under the facts and circumstances of the case.
- 7.** The learned Assessing Officer and CIT(A) failed to appreciate that it is settled position of law that, "consent does not confer jurisdiction" on the facts and circumstances of the case.
- 8.** Without prejudice to the above the assessment order u/s.143(3) of the Act, for the A.Y.2019-20 relevant to the F.Y.2018-19, the year in which search u/s.132 of the Act, was conducted, is also passed accepting the return of income filed by Appellant on 18.09.2020, on the facts and circumstances of the case. The rule of consistency needs to be followed.
- 9.** Without prejudice to the right to seen waiver as per the parity of reasoning of the decision of the Hon'ble Apex Court in the case of Karanavir Singh 349 ITR 692, the Appellant denies himself liable to be charged to interest under section 234A, 234B and 234C of the Act, on the facts and circumstances of the case. The appellant contends that the levy of interest under section 234A, 234B & 234C of the Act is also bad in law as the period, rate, quantum and method of calculation adopted by the learned assessing officer on which interest is levied are not discernible and are wrong on the facts of the case.
- 10.** The Appellant craves leave to add, alter, amend, substitute, change and delete any of the grounds of appeal.

**11.** For the above and other grounds that may be urged at the time of hearing of the appeal, the Appellant prays that the appeal may be allowed and justice rendered

3. From the above grounds for different assessment years it is clear that the issues raised by the assessee are similar challenging the Order passed by the learned CIT(A) on various grounds. We noted from the grounds raised before Id. CIT(A) that the assessee has raised various legal issues before the learned CIT(A) but for want of representation from the assessee's side, the learned CIT(A) has passed ex-parte Order and the assessee is before us against the same.

4. Briefly stated the facts of the case are that the assessee filed original return of income. A search and seizure action were carried out on 04.05.2018. Subsequently, the case was centralized vide Order No.54A/PCIT-4/201-19/592 dated 01.10.2018. A notice under section 153A of the Act was issued to the assessee on 24.01.2020. In pursuance to the notice, assessee filed return of income declaring the same income as declared in the original return filed under section 139 of the Act. Notice under section 143(2) of the Act was issued to the assessee and subsequently, other statutory notices were issued to the assessee. During the course of assessment proceedings, the AO relied on the statements recorded during the course of search and question and answer Nos.4, 5 and 6 and made addition, and completed the assessment under section 153A of the Act against which the assessee filed appeal before the learned CIT(A). The learned CIT(A), gave various opportunities to the assessee to represent its case but there was no response received from the assessee's side. Therefore, learned CIT(A) decided the issue on the basis of the material available on record.

5. Aggrieved from the above Order, assessee filed appeal before the Tribunal. Assessee has filed Paper Book comprising of pages 1 to 41. The learned Counsel submitted that the case of the assessee for the Assessment Years 2013-14, 2014-15,

2015-16 and 2019-20 were assessed under section 143(3) of the Act. Therefore, no addition can be made for the completed Assessment Year without any incriminating material found during the course of search and seizure action and in support of his arguments, he relied on the judgment of the Hon'ble Apex Court in the case of PCIT, Central – 3 Vs. Abhisar Buildwell (P) Ltd., [2023] 149 taxmann.com 399 (SC) and he also relied on the judgment of the Hon'ble Apex Court in the case of PCIT, Central IT, New Delhi Vs. Meeta Gutgutia [2018] 96 taxmann.com 468 (SC) and submitted that while framing the assessment under section 153A of the Act for unabated Assessment Year, the AO has made addition which is contrary to the decision rendered by the Hon'ble Apex Court. Further, he submitted that statements recorded during the course of search proceedings are not conclusive without the incriminating documents for making additions without finding any concrete material during the course of search. He further submitted that reason for not appearing before the learned CIT(A) was that the assessee did not receive any notice or notices sent might have settled in the spam folder. Therefore, the assessee did not see notice sent by the CIT(A). His intention was not to disregard to the notices issued by the First Appellate Authority. He cooperated in the assessment proceedings and against the Assessment Order, he filed appeal and requested that appeal may be decided on the legal issue raised by the assessee.

6. On the other hand, the learned DR relied on the Order of the lower authorities and submitted that the AO has made the addition on the basis of statements recorded during the course of search as the statements recorded under section 132 (4) of the Act has great evidentiary value as decided by the Hon'ble Apex Court in the case of **Roshan Lal Sancheti Vs. PCIT** reported in (2023) **150 taxmann.com 228 (SC)**. After recorded the statements, the assessee has not retracted his statements within a reasonable time. Therefore, the addition made by the AO is correct and he further submitted that the learned CIT(A) has discussed this issue in a very detailed manner regarding the issue raised by the assessee. Therefore, the Order of lower authorities should be upheld.

7. Considering the rival submissions, the assessee filed appeal against the ex-parte Order passed by the learned CIT(A) and he has argued on legal issue of the case challenging the addition made by the AO as raised in the grounds of appeal and relied on the judgment of the Hon'ble Apex Court cited supra. On going through the Order of the learned CIT(A), we noted that the issue has been decided ex-parte. The ld. CIT(A) gave various opportunities to the assessee. Therefore, considering the facts of the case and in the interest of justice and on the grounds raised by the assessee, we deem it fit to restore this issue back to the jurisdictional learned CIT(A) for a fresh adjudication with a cost of Rs.5,000/- for each Assessment Year and assessee is directed to pay the cost to the Revenue before taking up the case by the learned CIT(A) is directed to give reasonable opportunity of being heard to the assessee and decide the issue as per law, assessee is directed to represent his case before the learned CIT(A) and not to seek unnecessary adjournments for early disposal of the case. In case of failure, no second leniency shall be granted.

8. In the result, appeals of the assessee are allowed for statistical purposes.

*Pronounced in the court on the date mentioned on the caption page.*

Sd/-

**(KESHAV DUBEY)**  
**Judicial Member**

Sd/-

**(LAXMI PRASAD SAHU)**  
**Accountant Member**

Bangalore,  
Dated : 30.07.2025.  
/NS/\*

Copy to:

1. Appellant
2. Respondent
3. Pr.CIT4.CIT(A)
5. DR, ITAT, Bangalore.

By order

Assistant Registrar  
ITAT, Bangalore.