

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI
DELHI BENCHES 'B' 'NEW DELHI'
BEFORE SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER
AND
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

I.T.A. No. 2733/DEL/2025 (A.Y 2016-17)

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| M/s Creative Insolvency Resolution Profession Private Limited (formerly Tech Mech Arc Pvt. Ltd.) C/o Kashyap & Co. 114/214, Citi Centre, Begum Bridge Road, Meerut, Uttar Pradesh PAN: AADCT8555D | Vs | Income Tax Officer Ward 25(2), C. R. Building, ITO, IP Estate, New Delhi |
| Appellant | | Respondent |
| Assessee by | Sh. P. S. Kashyap, CA | |
| Revenue by | Sh. Rajesh Kumar Dhanesta, Sr. DR | |
| Date of Hearing | 30/10/2025 | |
| Date of Pronouncement | 31/10/2025 | |

ORDER

PER YOGESH KUMAR, U.S. JM:

The present appeal is filed by the Assessee against the order of Ld. Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre, Delhi ('Ld. CIT(A)/'NFAC' for short), dated 20/03/2025 for the Assessment Year 2016-17.

2. Brief facts of the case are that, an assessment order came to be passed u/s 143(3) of the Income Tax Act, 1961 ('Act' for short) by making an addition of Rs. 1,58,75,000/- on account of unexplained investment. Aggrieved by the assessment order dated 30/12/2018, Assessee preferred an Appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 20/03/2025, dismissed the Appeal of the Assessee.

3. The Ld. Counsel for the Assessee vehemently submitted that the Ld. CIT(A) committed error in confirming the addition of Rs. 1,58,75,000/- as unexplained investment in properties, ignoring the fact that the investment made in the property are duly accounted for and recorded in books of accounts. The Ld. Counsel further submitted that the order impugned has been passed by the Ld. CIT(A) is in violation of principals of natural justice as no proper opportunity has been provided to produce all the documents. Thus, sought for allowing the Appeal.

4. Per contra, the ld. Department's Representative vehemently submitted that the Assessee has produced certain documents before the Ld. CIT(A) and a Remand Report has been called for from the A.O. by the Ld. CIT(A). Based on the material available on record, the Ld. CIT(A) has rightly dismissed the Appeal of the Assessee, which requires no interference.

5. We have heard both the parties and perused the material available on record. As could be seen from the record, during the assessment proceedings A.O. called for details of property purchased by the Assessee. However, the Assessee has not submitted the requisite documents. Though the Assessee had paid TDS at 1% as per Section 194(1A) of the Act, Assessee did not produce any documentary evidence in support of source of investment of Rs. 1,58,75,000/-. Even

during the Ld. CIT(A) the Assessee has not produced any document to substantiate the source of investment. Considering the above facts and circumstances, we deem it fit to remand the matter to the file of the Ld. CIT(A) with a direction to the Assessee to produce documentary evidence in support of source of investment and also document for purchase of the properties. The Ld. CIT(A) is directed to decide the First Appeal of the Assessee afresh by considering the documents produced if any by the Assessee.

6. In the result, Appeal of the Assessee is partly allowed for statistical purpose.

Order pronounced in the open court on 31st October, 2025

Sd/-

(MANISH AGARWAL)
ACCOUNTANT MEMBER

Date:- 31.10.2025

R.N, Sr.P.S*

Copy forwarded to:

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

Sd/-

(YOGESH KUMAR U.S.)
JUDICIAL MEMBER

ASSISTANT REGISTRAR
ITAT, NEW DELHI