

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH**

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI ANIKESH BANERJEE, JM**

**ITA Nos. 583 to 587 & 630/Coch/2025
Assessment Years: 2012-13, 2013-14, 2015-16 to 2017-18**

P.P. Unneenkutty Appellant
Parambil Peedikakkal, Edayikkal
Thachampara P.O., Mannarkkad, Palakkad
[PAN: ABUPU3002H]

vs.

ACIT, Central Circle, Thrissur Respondent

Assessee by: Shri Venugopal M.V., CA
Revenue by: Shri Sanjit Kumar Das, CIT-DR

Date of Hearing: 27.10.2025
Date of Pronouncement: 29.10.2025

ORDER

Per: Inturi Rama Rao, AM

These appeals filed by the assessee are directed against the orders of the Commissioner of Income Tax (Appeals)-3, Kochi [CIT(A)] dated 20.06.2025 for Assessment Years (AY) 2012-13, 2013-14, 2015-16 to 2017-18.

2. Since identical issues and facts are involved in these appeals, they are heard together and disposed of by this common order.

3. For the sake of convenience and clarity the facts relevant to the appeal bearing ITA No. 583/Coch/2023 for AY 2012-13 are stated herein.

4. Brief facts of the case are that the appellant is an individual. He is the Managing Trustee of M/s. Safe Development ALMS Trust running a Medical College at Chittur, Palakkad. A search and seizure operations u/s. 132 of the Income Tax Act, 1961 (the Act) were conducted in the residential premises of the appellant. During the course of search and seizure operations, certain incriminating materials were found indicating that the appellant was collecting capitation fees from students who are seeking admission to the educational institutions run by the Trust. The appellant was trying to exchange the old notes. During the course of search operations, certain demonetized currencies were found and seized. Subsequently, the AO had issued notice u/s. 153C of the Act calling upon the appellant to file the return of income. In response to the notice u/s. 153C, the appellant admitted additional income as detailed below: -

AY	Date of filing original return of income	Income Returned (In Rs.)	Date of Notice u/s. 153C/142(1)	Date of filing return in response to notice u/s. 153C	Income Returned (In Rs.)
2011-12	-	-	31.05.2018	17.11.2018	10836
2012-13	31.03.2017	28300000	31.05.2018	17.11.2018	28300000
2013-14	31.03.2017	19000000	31.05.2018	17.11.2018	19000000
2014-15	-	-	31.05.2018	17.11.2018	1104
2015-16	31.03.2017	55133330	31.05.2018	17.11.2018	55133330

2016-17	31.03.2017	25325000	07.11.2018	-	-
2017-18	31.03.2018	600000	-	-	-

5. The AO accepted the additional income shown in the return of income in response to the notice u/s. 153C and completed the assessment vide order dated 28.12.2018 passed u/s. 143(3) r.w.s. 153C of the Act. However, the appellant had filed an appeal before the CIT(A), who vide the impugned order allowed the appeal following the decision of the Hon'ble Supreme Court in the case of Pr. CIT vs. Abhisar Buildwell Pvt. Ltd. [2023] 149 taxmann.com 399 by holding that in the absence of incriminating material no addition can be made.

6. Being aggrieved, the appellant is in appeal before this Tribunal in the present appeal.

7. We find that the present appeals filed by the appellant are infructuous as the CIT(A) had allowed the appeals filed by the appellant, and the appellant is not aggrieved by the order passed by the CIT(A).

8. In the result, appeals ITA No. 583 to 587/Coch/2025 stand dismissed.

ITA No. 630/Coch/2025: AY- 2017-18

9. The CIT(A) had deleted the addition based on the decision of the Hon'ble Supreme Court in the case of Pr. CIT vs. Abhisar Buildwell Pvt. Ltd. [2023] 149 taxmann.com 399 by holding that in

the absence of incriminating material no addition can be made. However, it is a matter of record that the appellant, in response to notice u/s. 153C, admitted additional income, which means that the other limb of the decision of Abhisar Buildwell Pvt. Ltd. (supra) is applicable, wherein it is held that once an incriminating material is found or additional income is disclosed by the appellant in response to notice u/s. 153C, the AO is empowered to make any other addition. The relevant part of the judgement is extracted below: -

“14. In view of the above and for the reasons stated above, it is concluded as under:

that in case of search under section 132 or requisition under section 132A, the AO assumes the jurisdiction for block assessment under section 153A;

all pending assessments/reassessments shall stand abated;

in case no incriminating material is unearthed during the search, the AO cannot assess or reassess taking into consideration the other material in respect of completed assessments/unabated assessments. Meaning thereby, in respect of completed/unabated assessments, no addition can be made by the AO in absence of any incriminating material found during the course of search under section 132 or requisition under section 132A of the Act, 1961. However, the completed/unabated assessments can be re-opened by the AO in exercise of powers under sections 147/148 of the Act, subject to fulfilment of the conditions as envisaged/mentioned under sections 147/148 of the Act and those powers are saved.”

10. Therefore, in our view the CIT(A) had failed to apply the correct decision of law laid down in Abhisar Buildwell Pvt. Ltd.

(supra). Accordingly, the matter is restored to the file of the CIT(A) to decide the appeal on merits on the addition made by the AO. Appeal partly allowed for statistical purposes.

11. In the result, appeals ITA No. 583 to 587/Coch/2025 stand dismissed and ITA No. 630/Coch/2025 stands partly allowed for statistical purposes.

Order pronounced in the open court on 29th October, 2025.

Sd/-
(ANIKESH BANERJEE)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 29th October, 2025

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin