

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "B" BENCH : PUNE

BEFORE SHRI MANISH BORAD, ACCOUNTANT MEMBER &
SHRI VINAY BHAMORE, JUDICIAL MEMBER

I.T.A.No. 57/PUN/2021
(Assessment Year 2012-2013)

Ramesh R. Havele, "Deep", 16/6 Erandawana Housing Society, Plot No.8, Patwardhan Baug, Pune. PAN : AADPH 8134 K (Appellant)	vs.	ITO, Ward-3(5), Pune (Respondent)
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For Assessee :	Smt. Deepa Khare, Advocate
For Revenue :	Shri Amit Bobde, CIT-DR

Date of Hearing :	03.09.2025
Date of Pronouncement :	25.11.2025

ORDER

PER : MANISH BORAD, AM

This appeal at the instance of the assessee is directed against the order of Ld. Commissioner of Income Tax (Appeals)-2, Pune [**"CIT(A)"**], dated 20/03/2020 passed under section 250 of the Income Tax Act, 1961 (**"Act"**), which is arising out of assessment order u/s. 143(3) of the Act, dated 31/03/2025 by the ITO, Ward-3(5), Pune, for the Assessment Year (**AY**) 2012-13.

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

- “1. *The Id CIT(A) erred in law and on facts in enhancing the addition to Rs 6,41,53,960/- as against Rs 5,47,51,000/- made by the Id AO in respect of Cash Deposit in Bank Account as unexplained Cash Credit.*
2. *The learned CIT(A) erred in adding the cash deposits in the bank account of Rs. 5,47,51,000/- as "Unexplained Cash Credit".*
3. *The learned CIT(A) erred in not appreciating that the aforesaid cash deposit in bank account were duly reflected in the books of accounts and represented either*
 - *The cash received on sale of Shares to the various client which was already reflected in Profit & Loss account as Income or*
 - *The Cash withdrawn from one bank account and deposited in another bank account*
4. *The id CIT(A) erred in law and on facts in not appreciating that having accepted the Books of Accounts related to Share Trading activity and the profit therefrom being assessed, the cash Deposit made therefrom into the bank account cannot be rejected and treated as unexplained.*
5. *The Id CIT(A) erred in law and on facts in confirming the addition purely on suspicion and surmises and on unproved news reports.*
6. *The Appellant craves leave to add to, alter, amend, modify and/or delete any or all of the above Grounds of Appeal."*

3. At the outset, learned counsel for the assessee submitted that various details including books of accounts relating to share trading activity and other documents which are having direct bearing on the impugned additions and also on due consideration of these documents, the assessee is hopeful to succeed on the grounds of appeal raised against the impugned additions made by the Ld.Assessing Officer (AO), could not be placed before Ld.CIT(A) due to *bonafide* reasons. She humbly

prayed that assessee may please be afforded one more opportunity to go before the Ld.CIT(A) for adjudication of the impugned issues in the light of the evidences to be filed by the assessee.

4. On the other hand, ld. Ld. Departmental Representative (DR) vehemently argued supporting the order of the Ld.CIT(A).

5. We have heard rival contentions and perused the records placed before us. We observe that the assessee is an individual. Income of Rs. 17,98,950/- declared in the return of income for A.Y. 2012-13 filed on 30/09/2012. After the case being selected for scrutiny through CASS and after validly serving of statutory notices u/s. 143(2) and 142(1) of the Act and Ld.AO, after considering the submissions filed by the assessee, concluded the assessment proceedings making the additions for unexplained cash credit at Rs. 5,47,51,000/- and assessed the income at Rs. 5,65,49,950/-. Thereafter, the assessee challenged the addition for unexplained cash credit before the Ld.CIT(A), however, assessee failed to succeed as proper compliance was not made before the Ld.CIT(A). Relevant observation of Ld.CIT(A) appearing in para 9 of the impugned order reads as under:-

“9. Before parting with this appellate order which has been decided by me on merit as above, I am inclined to comment about the very nature and attitude of the appellant of non-compliances to the notices of hearing from time to time Issued from this office and, in fact, there was a prolonged delay tendency on the part of the appellant not to dispose off the

appeal at the earliest for any reason or other, and sometimes, for no reasons in the adjournments letter filed in the Tapal, for the reasons best known to the appellant, indicating the suspicion and doubts in the activities of the appellant and the proper maintenance of the records relating to the appellant's business of Portfolio Management and Share Trading for the alleged trading of shares through the company Dhanada Portfolio Management Ltd. which was initially claimed as detailed by the AO in the assessment order as Dhanada Holdings Pvt. Ltd., making contrary submission about the particular company for which the "so called shares were traded. The Police complaints and also the detailed reports of the Reporter of the Magazine Pune Mirror also prove that the appellant was engaged in the "Ponzi Scam" and also was subjected to enquiries and investigations of various authorities due to appellant's criminal activities.

Despite the above facts of non-cooperation by the appellant during appellate proceedings and as reported by the AO during Remand Report proceedings, there was an effort from this office to dispose off the appeal on merit after obtaining necessary clarification from the appellant, so that the appellant does not have any grievance at all about non-consideration of appellant's contention in adjudicating of the grounds of appeal raised by the appellant. The undersigned can only request the appellant to be co-operative to the statutory notice issued by any Government Authority for his interest and also for the interest of the Country as a law abiding citizen."

6. From perusal of the above finding of Ld.CIT(A), we observe that the Ld.CIT(A) enhanced the addition from Rs.5,47,51,000/- to Rs. 6,41,53,960/- in spite of any representation made by assessee. Learned counsel for the assessee making reference to various details filed in the paper book placed before this Tribunal has prayed for remitting the issues to the file of Ld.CIT(A) for one more round of adjudication as various details could not be filed.

7. Considering the prayer made by the assessee and also in the larger interest of justice and being fair to both the parties, we deem it appropriate to afford one more opportunity to the

assessee and remit back the issues raised in the instant appeal to the file of Ld.CIT(A) for fresh adjudication. If needed Ld.CIT(A) may call for a remand report from the Jurisdictional Assessing Officer. Needless to mention that Ld.CIT(A) shall afford a reasonable opportunity of being heard to the assessee and then decide the issues in accordance with law as contemplated u/s. 250(6) of the Act. The assessee is also directed to remain vigilant and not to take unnecessary adjournments unless required for reasonable cause. Effective grounds of appeal raised by the assessee are allowed for statistical purposes.

8. In the result, appeal of the Assessee is allowed for statistical purposes.

Order pronounced in the open Court on 25.11.2025.

Sd/-
[VINAY BHAMORE]
JUDICIAL MEMBER

Sd/-
[MANISH BORAD]
ACCOUNTANT MEMBER

Pune, Dated 25th November, 2025

vr/-

Copy to

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

By Order

//True Copy //

Assistant Registrar,
ITAT, Pune.