

**IN THE INCOME TAX APPELLATE TRIBUNAL "SMC BENCH", RANCHI
BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER**

(THROUGH HYBRID MODE)

आयकर अपील सं./ITA No.92/RAN/2025

(निर्धारण वर्ष / Assessment Year :2016-2017)


Rajaram Agrawal, Ward No.7, Kali Mandir, Chakradharpur, West Singhbhum, Chakradharpur, Jharkhand	Vs.	ITO, Ward-3(4), Chaibasa
स्थायी लेखा सं./PAN No. : AEJPA 5952 Q		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

निर्धारिती की ओर से /Assessee by	:	Shri Ritesh Kumar Jha, Adv
राजस्व की ओर से /Revenue by	:	Shri Khubchand T Pandya, Sr. DR
सुनवाई की तारीख / Date of Hearing	:	26/11/2025
घोषणा की तारीख/Date of Pronouncement	:	26/11/2025

आदेश / O R D E R

This is an appeal filed by the assessee against the order of the Id. Addl/JCIT(A)-2, Kolkata, dated 23.03.2024 for the assessment year 2016-2017.

2. Shri Ritesh Kumar Jha, Id.AR represented on behalf of the assessee. Shri Khubchand T Pandya, Sr. DR appeared on behalf of the revenue.
3. It was submitted by Id. AR that the appeal of the assessee is time barred by 314 days. It was the prayer that the delay may be condoned and appeal of the assessee may be adjudicated.
4. I have perused the records. The affidavit filed by the assessee on for condonation of delay reads as follow:-



Government of Jharkhand

Receipt of Online Payment of Stamp Duty

NON JUDICIAL



REGN. No. 4069
SL. No. 25
DATE: 07/04/25

Receipt Number : 9fcfafa36e5ade0df83f
 Receipt Date : 07-Apr-2025 12:02:29 pm
 Receipt Amount : 20/-
 Amount In Words : Twenty Rupees Only
 Document Type : Affidavit
 District Name : EastSinghbhum
 Stamp Duty Paid By : RAJARAM AGRAWAL
 Purpose of stamp duty paid : AFFIDAVIT
 First Party Name : RAJARAM AGRAWAL
 Second Party Name : NA
 GRN Number : 2501613820

Known to me and sign before me

 Advocate, Jamshedpur

< This stamp paper can be verified in the jharkhandban site through receipt number : >

AFFIDAVIT



This Receipt is to be used as proof of payment of stamp duty only for one document. The use of the same receipt as proof of payment of stamp duty in another document through reprint, photo copy or other means is penal offence under section-62 of Indian Stamp Act, 1899

इस रसीद का उपयोग केवल एक ही दस्तावेज पर मुद्रांक शुल्क का भुगतान के प्रमाण हेतु ही किया जा सकता है। पुनः छिन्द कर अथवा फोटो कॉपी आदि द्वारा इसी रसीद का दूसरे दस्तावेज पर मुद्रांक शुल्क का भुगतान के प्रमाण हेतु उपयोग भारतीय मुद्रांक अधिनियम, 1899 की धारा 62 अन्तर्गत दण्डनीय अपराध है।

Contd., P/2.

- 2 -

I, Rajaram Agrawal, S/o Juharnaal Bhat, PAN AGJPA5902Q Indian
 Inhabitant Residence At Ward no.7, Kali Mandir, Chakradharpur,
 P.O. & P.S. Chakradharpur, West Singhbhum, Jharkhand 833102,
 solemnly affirm and state on oath as under :

1. That I am Indian citizen since birth.
2. That I submit that all the details given in the enclosed application for condonation of delay are true and correct and nothing material has been concealed thereof.
3. That the present application for condonation is pertaining to the assessment year 2016-17 for appeal order passed U/s 250 of the Act on 23.03.2024. There is almost 311 days of delay in filing of this present appeal.
4. That I couldn't file appeal within the stipulated time due to severe illness during this period and as soon as I got well, I have taken immediate action to preferred this present appeal before the Appellate Authority.
5. That the condonation of delay may be granted in filing appeal in the interest of justice because I had no knowledge of the order being passed but as soon as it came to my knowledge, I preferred the appeal.
6. That the above mentioned paragraphs are true to the best of my knowledge, belief and information.
7. That I am swearing this affidavit to confirm the matter to submit the same to the authority concern.

Identified by
 Mr. [Signature]
 Advocate, Jharkhand.

[Signature]
 Public Notary
NOTARY
 District Court
 JAMSHEDPUR

[Signature]
 Dependent Appellant
 Identified by me
 Known to me and sign before me
 Advocate, Jharkhand



5. The appellate the order of the Id. CIT(A) was passed on 23.03.2024. The assessee has attached certain medical certificates. The reasons being given is that there is medical emergency and, therefore, I was there was reasonable cause for delay in filing the appeal. Accordingly, I condone the delay and the appeal of the assessee is admitted to be disposed off on merits.

6. On merits, it was submitted by the Id.AR AR that the assessee is a dealer in Sugar, atta, maida and suji rice etc. It was the submission that the return has been filed by applying the provisions of Section 44AD of the Act.

It was submitted that the transaction in the bank account were in respect of the business activity of the assessee. It was the prayer that the addition made by the AO is liable to be deleted.

7. In reply, the Id. Sr. DR submitted that the turnover shown by the assessee in his return is of Rs.51,20,100/-, whereas the transactions recorded in the bank account of the assessee was to the tune of Rs.3,07,80,940/-. It was submission that the assessee himself had requested the AO to complete the assessment as per the peak credit method to arrive at the true income. It was submission that in orders of the AO and CIT(A) are liable to be upheld.

8. I have considered the rival submissions. A perusal of assessment order clearly shows that the AO has recorded in para 3 of his order that the gross receipt shown by the assessee is only Rs.51,20,100/-. In para 4.1 of the Assessment Order, the AO has brought out the fact of cash deposited in the bank account and the total of the said cash deposited in the bank accounts is of Rs.3,07,80,940/-. The AO further proceeded to the mention in para 4.2 that the assessee himself has requested to complete the assessment as per the peak credit/telescoping method to arrive at his true income. After recording this, the AO in para 4.5 accepts that the transactions are relating to business activity of the assessee. Thereafter the AO has arrived at the peak credit at the request of the assessee. Here. I should pass a remark that on the gross receipts of Rs.51,20,100/- the assessee had shown u/s.44AD of the Act @8%. When the AO has found the bank transactions to be Rs.3,07,80,940/-, it is surprising that the AO

accepted the claim of the assessee that the peak credit to be considered, When the assessee himself shown business income at 8%, I failed to understand as to why the same percentage may not be applied to the entire turnover of the assessee. Here, the AO was extremely liberal by taking the peak credit, which is not correct. However, as this is an appeal of the assessee, I am unable to interfere with the finding of the AO. This being so I am of the view that the order of the AO and order of the Ld.CIT(A) does not call for any interference and same stands upheld.

9. In the result, appeal of the assessee is dismissed.

Order dictated and pronounced in the open court on 26/11/2025.

Sd/-
(GEORGE MATHAN)
न्यायिक सदस्य / JUDICIAL MEMBER

राँची Ranchi; दिनांक Dated 26/11/2025

Prakash Kumar Mishra, Sr.P.S.

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

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

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Senior Private Secretary)
आयकर अपीलीय अधिकरण, राँची / ITAT, Ranchi