

**IN THE INCOME TAX APPELLATE TRIBUNAL BENCH-RANCHI**  
**VIRTUAL HEARING AT KOLKATA**

**Before Shri Sonjoy Sarma, Judicial Member  
and Shri Ratnesh Nandan Sahay, Accountant Member**

**I.T.A. No.424/Ran/2024**  
Assessment Year: 2021-22

**Sharad Sarawgi.....Appellant**  
Sarawgi Sadan, Dumri Road,  
Giridih, Jharkhand- 815301.  
[PAN: ACSPJ2613G]

vs.

**ACIT, C.C-Dhanbad.....Respondent**

**Appearances by:**

Shri Devesh Poddar, AR, appeared on behalf of the appellant.  
Shri Sumit Dasgupta, Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : December 11, 2025  
Date of pronouncing the order : December 18, 2025

**ORDER**

**Per Sonjoy Sarma, Judicial Member:**

This appeal filed by the assessee is directed against the order of the CI(A)-3, Patna (hereinafter referred to as "Id. CIT(A)") dated 12.09.2024 passed under Section 250 of the Income-tax Act, 1961 (hereinafter referred to as the "Act").

2. Brief facts of the case are that the assessee is part of the Saraogi Group. A search and seizure operation under section 132(1) of the Income-tax Act, 1961 was conducted on the group on various dates, along with a survey under section 133A of the Act at certain business premises of the group. During the course of search, cash aggregating to ₹2,15,50,000 was found from the bedroom of Shri Santosh Kumar Saraogi. In the statement recorded under section 132(4), it was stated that cash of ₹21,20,000 belonged to the present assessee, while the balance amount belonged to other concerns. The assessee filed its return of income under section 139(1) for AY 2021-22 declaring total income of ₹4,66,180. Subsequently, notices under sections 143(2) and 142(1) were

issued and duly complied with. During post-search enquiries, Shri Sandeep Kumar Saraogi, an key person of the group, in his statement recorded under section 131(1A) of the Act, where he categorically stated that the entire cash of ₹2,15,50,000 found from Shri Santosh Kumar Saraogi belonged to M/s Atbir Hi-Tech Pvt. Ltd. On the basis of this statement, the said amount was offered to tax and assessed in the hands of M/s Atbir Hi-Tech Pvt. Ltd. However, the Assessing Officer was not satisfied with the assessee's explanation and made an addition of ₹21,20,000 in the hands of the assessee under section 69A of the Act, while completing assessment under section 153A read with section 143(3) of the Act.

3. Aggrieved, the assessee carried the matter in appeal before the Ld. CIT(A), who dismissed the appeal and confirmed the order of the Assessing Officer.

4. The assessee, being dissatisfied with the order of the Ld. CIT(A), is in further appeal before this Tribunal. At the time of the hearing the Ld. AR contended that the entire cash of ₹2,15,50,000 found during search was owned by and assessed in the hands of M/s Atbir Hi-Tech Pvt. Ltd. Once the Department has accepted the statement of Shri Sandeep Kumar Saraogi and taxed the full amount in the hands of the company, no part of the same cash can be taxed again in the hands of the present assessee. The addition of ₹21,20,000 results in double taxation, which is impermissible in law. It is a settled principle of law that the same income cannot be assessed twice in the hands of two different persons, once its ownership is determined and accepted by the Department. He further contended that the statement under section 132(4) of the Act stood explained and superseded by subsequent statement under section 131(1A) of the Act, which was accepted by the Department. When a subsequent statement recorded under section 131(1A) is accepted by the Revenue and acted upon, earlier statement under section 132(4) loses its evidentiary value.

5. On the other hand the Ld. DR supported the orders of the lower authorities and submitted that the cash was initially admitted by Shri Santosh Kumar Saraogi to belong partly to the assessee, and therefore the addition was justified.

6. We after considering the rival submissions and examining the material on record, the we find that the entire cash of ₹2,15,50,000 found during search has been assessed in the hands of M/s Atbir Hi-Tech Pvt. Ltd. based on the statement of Shri Sandeep Kumar Saraogi. When, the Revenue has accepted this position and taxed the full amount in the hands of the company. In such circumstances, no part of the same cash can be assessed again in the hands of the assessee, as it would amount to double taxation of the same income, which is not permissible. Once ownership of the entire cash is accepted in the hands of the company, the addition of ₹21,20,000 in the hands of the assessee under section 69A of the Act cannot survive. Accordingly, the we direct the Assessing Officer to delete the addition of ₹21,20,000 and set aside the order of the ld. CIT(A) thereby allow the appeal of the assessee.

7. In the result, the appeal filed by the assessee is allowed.

***Kolkata, the 18<sup>th</sup> December, 2025.***

Sd/-  
**[Ratnesh Nandan Sahay]**  
**Accountant Member**

Sd/-  
**[Sonjoy Sarma]**  
**Judicial Member**

Dated: 18.12.2025.

RS

*Copy of the order forwarded to:*

1. Appellant
2. Respondent
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches