

IN THE INCOME TAX APPELLATE TRIBUNAL  
JODHPUR BENCH, JODHPUR

BEFORE DR. MITHA LAL MEENA, HON'BLE ACCOUNTANT MEMBER  
AND  
SHRI SUDHIR PAREEK, HON'BLE ACCOUNTANT MEMBER

I.T.A No.158/Jodh/2011  
(Assessment Year : 2008-09)

<b>Sh. Ummaid mal Singhvi U.C. Jain, Advocate 'Shatrunjay' Hari Singh Nagar, Pali Road, Jodhpur PAN : ABPPS 7429 D</b>	vs	ACIT, Central Circle – 2 Jodhpur
<b>APPELLANT</b>		<b>RESPONDENT</b>

Present for Assessee	Shri Rajendra Jain, Advocate (Physical)
Present for Revenue	Shri M.K. Jain, Ld. CIT (DR) (Virtual)

Date of hearing	12/01/2026
Date of pronouncement	13/01/2026

**ORDER**

**Per DR. MITHA LAL MEENA:**

This appeal in ITA No. 158/Jodh/2011 in respect of Assessment Year 2008-09 has been recalled by allowing the miscellaneous application no. 1/Jodh/2013 of the assessee vide Tribunal order dated 08.10.2014 for adjudication of ground no. 5, regarding confirmation of addition of Rs. 5,66,600/-.

3. Having heard both the sides and perusal of record, we find that Ld. CIT(A) has sustained the addition of Rs. 5,66,600/- made by the AO u/s 69 of

the Act being the difference between the undisclosed investment and the amount declared in the return of income.

4. The AR for the assessee has submitted that to challenge the finding of the Ld. CIT(A), the appellant has furnished the statement of rotation of funds from 01.04.2007 to 31.03.2008. This statement was prepared based on the seized annexure which shows the source of money received and utilised. The Ld. AR contended that the statement of rotation of fund prepared was based on the seized records disclosed. The finding of the Ld. CIT(A) which remained uncontroverted by the CIT(A) and the Tribunal. The Ld. AR has made a prayer that the matter of source of fund of Rs. 5,66,600/- though stands explained based on the statement of rotation of funds, may be restated to the file of the AO for fresh examination and verification. The AR under takes to cooperate in the proceedings before the AO in verification of the source of the disputed amount of Rs. 5,66,600/- being claimed to be out of the rotation of funds during the financial year.

5. The Ld. DR on the other hand has no objection to the request of the assessee and sending the matter back to the file of the AO for the limited purpose for examination of statement of rotation of fund claimed to be prepared by the assessee based on the seized annexure.

6. Considering the factual matrix and in view of the principles of natural justice, we deem it appropriate to restore the matter to the file of the AO to examine the statement of rotation of funds from 01.04.2007 to 31.03.2008 as claimed by assessee to be prepared on the basis of seized annexure. The AO

may examine the source of the money received and utilised to explain the difference between the undisclosed investment and amount declared to the extent of Rs. 5,66,600/- after granting opportunity of being heard to the assessee.

7. Accordingly, the issue of source of availability of funds of Rs. 5,66,600/- for advancing loans has been restored back to the file of the AO to be examined afresh in accordance with law.

8. In the result, the appeal of the assessee is allowed for statistical purpose.

**Order pronounced in the open court on 13<sup>th</sup> January, 2026**

Sd/-

(SUDHIR PAREEK)  
JUDICIAL MEMBER

Sd/-

(DR. MITHA LAL MEENA)  
ACCOUNTANT MEMBER

Jodhpur, Dt : 13<sup>th</sup> January, 2026  
Nimisha

**TRUE COPY**

**Copy of the Order forwarded to:**

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त CIT
4. विभागीय प्रतिनिधि, आय.अपी.अधि., मुंबई/DR, ITAT, Jodhpur
5. गार्डफाइल/Guard file.

BY ORDER,

(Asstt. Registrar), ITAT, Jodhpur