

IN THE INCOME-TAX APPELLATE TRIBUNAL “A” BENCH,
MUMBAI

BEFORE SHRI SANDEEP GOSAIN, JUDICIAL MEMBER
&
SHRI PRABHASH SHANKAR, ACCOUNTANT MEMBER

ITA No.3381/MUM/2025
(A.Y. 2012-13)

Aunali Akbarali Rupani A/101, Dheeraj Gaurav 2, Opp. Raheja Classic Off Andheri Link Road, Mumbai - 400 001, Maharashtra	v/s. बनाम	Dy. Commissioner of Income Tax, Circle - 4(1)(1), Range 441, Aayakar Bhavan, Mumbai 400001, Maharashtra
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No: ADGPR0681K		
Appellant/अपीलार्थी	..	Respondent/प्रतिवादी

Appellant by :	None
Respondent by :	Shri Surendra Mohan,(Sr. DR)

Date of Hearing	16.12.2025
Date of Pronouncement	12.01.2026

आदेश / ORDER

PER PRABHASH SHANKAR [A.M.] :-

The present appeal arising from the appellate order dated 18.03.2025 is filed by the assessee against the order passed by the Learned Commissioner of Income-tax (Appeals)/National Faceless Appeal Centre, Delhi [hereinafter referred to as “CIT(A)”] pertaining to assessment order passed u/s. 143(3) r.w.s. 147 of the Income-tax Act, 1961 [hereinafter referred to as “Act”] dated 18.12.2019 for the Assessment Year [A.Y.] 2012-13.



2. The grounds of appeal are as under:

1. *The learned CIT(A) erred in **upholding the addition of Rs.9,32,320/- as unexplained credit card expenses**, despite detailed evidence demonstrating these were genuine business expenses with personal costs properly excluded.*
2. *The CIT(A) erred in **confirming the addition of Rs.8,00,000/- as unexplained cash credits**, despite loan confirmations that established the identity and genuineness of the transactions.*

3. Briefly stated facts of the case are that on verification of the information available in i-taxnet under NMS Cycle 1 (Non-Filer) Category, the assessee had not filed its return of income for AY 2012-13. It was seen from the Individual Transaction Statement that the assessee had entered into following transactions during FY 2011-12 ie. Paid Rs.23,80,266/- against credit card bills, Share transaction of Rs.5,61,16,638/- and Receipt of Rs.63,06,484/- on which TDS u/s 194H of the Act was deducted. The assessment proceeding for was reopened by issue of notice u/s 148 of the Act. In response, the assessee filed return of income declaring total income at Rs.16,76,170/-. A notice u/s 142(1) was issued to the assessee calling for details such as bank accounts, credit card statement, DMAT account statement details of receipt of Rs.63,06,484/- on which 194H TDS was deducted. On verification of the details filed, it was observed that the statement of credit card furnished by the assessee did not pertain to the assessee as it



was in the name of Sana Aunali Rupani. Further, it was noticed that as per ITS details, cash deposit of Rs.11,10,000/- was made in assessee's account with Citi Bank, Chennai. For verification of the genuineness of cash deposits as well as credit card bill payments, notices u/s 133(6) dated 12.11.2019 were issued to Citi Bank and American Express Banking Corp seeking compliance by 15.11.2019. However, there was no compliance to the notice. From the submissions of the assessee, it was observed by the AO that she was not in possession of any substantial evidence to prove the genuineness of all above stated three transactions. However, assessee has failed to discharge the onus place on it. In the absence of justification from the assessee alongwith documentary evidences, the issues on which explanation was asked from assessee were added to the total income of the assessee.

3.1 The assessee had deposited an amount of Rs.11,10,000/- in Saving Account in Citi bank, Club House Road, Annal Salai, Chennai. During the assessment proceedings, assessee was asked to explain the genuineness of the cash deposits alongwith documentary evidences. Assessee has failed to do so, a show cause letter but she did not furnish any details on this issue. Hence, the cash deposit of Rs.11,10,000/- was treated as unexplained cash credit u/s 68 of the Act and added to total income.



4. In respect of addition w.r.t. unexplained credit card bills 23,80,266/-, the assessee submitted before the Id.CIT(A) that she held two Credit Cards namely Citi Bank and American Express. Total usage for the year was Rs.9,32,320/- and not Rs.23,80,266/-. The Id.CIT(A) upheld the addition to the extent of Rs 9,32,320/- only and deleted the balance.

4.1 In respect of cash deposit, it was submitted that the assessee had opened a Margin Funding Account with Motilal Oswal (the main broker) which had to be funded from time to time on urgent basis and hence certain hand loans and sale of gold was necessitated. Citi Bank Account statement provided and transaction explained with Profit and loss account with income statement and computation. If the total cash deposits for the year was above Rs.16,43,500/-. Total Cash Receipt from family and friends and Withdrawn was Rs. 16,85,500/- and this was evident from the bank statements already produced. Sale of gold to the tune of Rs. 1,95,500/- in cash, which was duly reported. However, in respect of the claim regarding loan taken from the family and friends, appellant neither explained the relationship with these persons nor the return of these claimed cash loans was substantiated if genuinely made in subsequent years. Therefore, the cash deposit to the tune of Rs. 8,00,000/- claimed as cash loan was not found explained to this appeal.



Addition made in this regard Rs. 11,10,000/- was therefore restricted to Rs. 8,00,000/-.

5. Before us, during hearing of the case, non attended on behalf of the assessee nor any adjournment application was filed. We find that even before the AO, the assessee did not make full compliance as no explanation/details were submitted leading to the additions made. Nothing is on record to explain such partial compliance. Even before the Id.CIT(A), in absence of proper compliance, the Id.CIT(A) gave partial relief. No remand report appears to have been called for from the AO in this regard. Considering all such facts and also in the light of non compliance before us, in the interest of justice and fairplay and following the principles of justice we deem it appropriate to set aside the appellate order and remand to entire issue back to the file of the APO for de novo adjudication. He would allow adequate opportunity of hearing to the assessee who would also make necessary compliance without fail and explain the entire issue with supporting details if any and as requisitioned by the AO.

6. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the open court on **12/01/2026**.



Sd/-

SANDEEP GOSAIN

(न्यायिक सदस्य / JUDICIAL MEMBER)

Sd/-

PRABHASH SHANKAR

(लेखाकार सदस्य/ACCOUNTANT MEMBER)

Place: मुंबई/Mumbai

दिनांक /Date 12.01.2026

Lubhna Shaikh / Steno

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

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त / CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण DR, ITAT,
Mumbai
5. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt. Registrar)

**आयकर अपीलीय अधिकरण/ ITAT, Bench,
Mumbai.**

