

IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI

BEFORE SHRI SONJOY SARMA, JUDICIAL MEMBER AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 132/Ran/2024
(Assessment Year-2015-16)
(Virtual Hearing)

Kumar Pratik, Tower C2, Flat 1402, Eden City, Mahestala, Kolkata-700137. PAN No. BUAPP 7990 K	Vs.	I.T.O., Sahibganj.
Appellant/ Assessee		Respondent/ Revenue

Assessee represented by	None
Department represented by	Shri Khubchand T. Pandya, Sr.DR
Date of hearing	16/10/2025
Date of pronouncement	09/01/2026

ORDER

PER: RATNESH NANDAN SAHAY, A.M.

1. This appeal by the assessee is directed against the order of the National Faceless Appeal Centre (NFAC), Delhi/learned Commissioner of Income Tax (Appeals), [in short, the Id. CIT(A)] dated 01/02/2023 for the Assessment Year (AY) 2015-16. The assessee has raised following grounds of appeal:

"1 *Disallowance under Section 69C of the Income Tax Act. (Addition Rs. 3,08,005/- towards stamp duty and registration charges of Flat. This amount was received from sister, Kumari Sonali for payment of stamp duty and registration. She is my sister and received the amount as gift which is not taxable as received from relative. Kumari Sonali, Doner of the aforesaid gift received this amount from the PF claim of my father Late Kashinath Gope upon his death. The PF settlement of demised father on 20.08.2014 (attached copy of passbook) and out of this amount used for issue bank draft for the purpose of stamp duty and registration of Flat as mention below. (Bank statement attached) The details of amount used for stamp duty and registration mention below: Date Amount Remarks 20.08.2014 379888/- PF claim of demised father Source of Fund 27.09.2014 41983/- Stamp duty & registration charges 27.09.2014 266946/- Stamp duty & registration charges Amount used for Regi."*

2. We found from perusal of the record that there is a delay of more than a year in filing this appeal before this Tribunal, for which a petition for condonation of delay was filed mentioning the fact that the delay was caused due to medical and financial ground as the recovery of tax from Assessing Officer was followed up. The delay was not intentional and deliberate and beyond the control of the assessee and prayed that the delay may be condoned. The Id. Sr.DR did not raise any serious objections. Therefore, considering the contents made in the condonation petition, we condone the delay in filing the appeal before this Tribunal.
3. Facts of the case, in brief, are that the Assessing Officer, on the basis of AIR/CIB(NMS Data) information found that the assessee has not filed his return of income for the A.Y. 2015-16 despite the fact that he has carried out financial transactions in immovable property to the tune of ₹ 62.00 lacs during the F.Y. 2014-15. Accordingly, the Assessing Officer reopened the case under Section 147 of the Income Tax Act, 1961 (in short, the Act) and issued notice under Section 148 of the Act on 05/03/2020 after taking necessary approval from the competent authority by recording the reasons as under:

"On the basis of AIR/CIB (NMS data) information, it appears that the assessee has carried out financial transaction in immovable assets to the tune of Rs. 62,00,000/- during the F.Y. 2014-15 relevant to the A.Y. 2015-16 and has not filed his Return of Income for the said A.Y.

Keeping in view it appears that financial transaction in immovable assets to the tune of Rs. 62,00,000/- got escaped from the assessment for the F.Y. 2014-15 relevant to the A.Y. 2015-16.

In view of the above, I have reasons to believe that the huge cash deposit of Rs. 62,00,000/- chargeable to tax got escaped from the assessment within the meaning of section 147 of the I.T. Act. Hence, it is a fit case for issuance of notice u/s 148 of the I.T. Act, 1961 for the A.Y. 2015-16".

In response to the notice issued under Section 148 dated 05/03/2020, the assessee filed its return of income on 18/03/2021 and declared a total income of ₹ 2,45,450/-. Statutory notices under Section 143(2) and 142(1) of the Act were issued and replies were submitted by the assessee. Since as per the information, the assessee has made transactions of ₹ 62.00 lacs during the assessment year under consideration, he was asked to furnish bank statement, copy of sales/purchase deed and source of making investment in the said immovable property. In response to that, the assessee furnished bank account statement and copy of purchase deed and claimed that he had purchased a residential property at ₹ 31.00 lacs and not at ₹ 62.00 lacs. During the assessment proceedings under Section 143(3) read with section 147 of the Act, the assessee claimed that said residential property was purchased at ₹ 31.00 lacs only and the assessee submitted copy of the purchase deed in support of his claim that the property was purchased at ₹ 31.00 lacs. Further, the assessee has also produced bank statement and claimed that he had made a payment of ₹ 16.00 lacs during the assessment year under consideration. The details of the payments made by the assessee against the purchase of property is given as under:

S. No.	Particular	Date	Amount
1	Loan received from Mr. Diraj Yadav- Brother in Law-Confirmation attached	27/05/2014	3,50,000
2	Loan Received from Mrs. Sonali Kumari-Sister	04/06/2014	1,50,000
3.	Death Claim of Father received from Life Insurance Corporation (LIC)	31/07/2014	77,245
4.	Death claim of father received from Life Insurance Corporation (LIC)	31/07/2014	25,259
5.	Loan received from Mrs. Sonali Kumari-Sister	13/08/2014	7,00,000
6.	Ex gratia of father received from Employees provident Fund Organization (EPFO)	14/08/2014	3,79,888
		Total	16,82,392

After considering the replies and documentary evidences including the bank statement, the Assessing Officer came to the conclusion that the expenditure on account of purchase of stamp duty and registration fee amounting to ₹ 3,09,005/- is from unaccounted income of the assessee and added the same under Section 69C of the Act. Further the Assessing Officer also added a sum of ₹ 8.50 lacs under Section 69A of the Act on the ground that the money was channeled through the bank account of his sister and is unaccounted money of the assessee.

4. Aggrieved by the order of the Assessing Officer, the assessee preferred appeal before the Id. CIT(A), who vide the impugned order, deleted the addition of ₹ 8.50 lacs on the ground that source of ₹ 8.50 lacs is duly explained on the basis of bank statement. Regarding the addition of ₹ 3,08,005/- on account of expenditure on stamp duty and registration, the Id. CIT(A) confirmed the addition on the ground that the source of this expenditure could not be explained by the assessee.
5. Aggrieved by the order of the Id. CIT(A), the assessee has preferred the present appeal before this Tribunal.
6. During the appellate proceedings before us, nobody has represented on behalf of the assessee. However, in the grounds itself it is given as under:

Disallowance under Section 69C of the Income Tax Act. (Addition Rs. 3,08,005/- towards stamp duty and registration charges of Flat. This amount was received from sister, Kumari Sonali for payment of stamp duty and registration. She is my sister and received the amount as gift which is not taxable as received from relative. Kumari Sonali, Doner of the aforesaid gift received this amount from the PF claim of my father Late Kashinath Gope upon his death. The PF settlement of demised father on 20.08.2014 (attached copy of passbook) and out of this amount used for issue bank draft for the purpose of stamp duty and registration of Flat as mention below.

(Bank statement attached) The details of amount used for stamp duty and registration mention below: Date Amount Remarks 20.08.2014 379888/- PF claim of demised father Source of Fund 27.09.2014 41983/- Stamp duty & registration charges 27.09.2014 266946/- Stamp duty & registration charges Amount used for Regi."

7. The Id. Sr.DR, on the other hand, relied on the orders of the lower authorities.
8. We have considered the grounds of appeal raised by the assessee and also the submissions made by the Id. Sr.DR. As per the bank statement given in the Form No. 36, it is found that a sum of ₹ 3,79,888/- was credited in the bank account of the assessee's sister in which a sum of ₹ 3,79,888/- was received by the assessee's sister Sonali Kumari on 20/08/2014 by NEFT transfer and the narration written as "Employees Provident Fund Organization" which was subsequently given to her brother i.e. the assessee. Thus, it appears that the source of money given to the assessee is explained. Accordingly, the addition of ₹ 3,08,005/- is found to be explained and thus, the addition made on this count is deleted.
9. In the result, this appeal of the assessee is allowed.

Order announced in open court on 09th January, 2026

Sd/-
(SONJOY SARMA)
JUDICIAL MEMBER

Ranchi, Dated: 09/01/2026

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER

By order

Sr. Private Secretary, ITAT, Ranchi