

**IN THE INCOME TAX APPELLATE TRIBUNAL
SURAT "SMC" BENCH, SURAT
BEFORE DR. B.R.R. KUMAR, VICE-PRESIDENT
AND MS. SUCHITRA KAMBLE, JUDICIAL MEMBER**

I.T.A. No. 817/SRT/2025
(Assessment Year:2009-10)

Bankimchandra M. Desai, A-101 Amarkruti Apartment, Tithal Road, Valsad PAN : ABQPD3766R	Vs.	The ITO, Ward-1, Valsad
(Appellant)	..	(Respondent)
Appellant by :	Shri Hiren M. Diwan, C.A.	
Respondent by:	Shri Ashish Kumar, Sr. D.R.	
Date of Hearing	22.01.2026	
Date of Pronouncement	03.02.2026	

ORDER

PER SUCHITRA KAMBLE, JUDICIAL MEMBER:-

This is an appeal filed against the order dated 11-06-2025 passed by National Faceless Appeal Centre (NFAC), Delhi for assessment year 2009-10.

2. The case of the assessee was reopened based on the information that the assessee had purchased immovable property valued at Rs.43,00,000/-. The assessee submitted before the A.O. that the property was jointly purchased by him and his wife amounting to Rs. 43,00,000/-. Since the assessee did not produce evidence such as return of income of wife and the source of income for said investment, the Assessing Officer

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made the addition of Rs. 43,00,000/-. The CIT(A) has confirmed the said addition to the extent of Rs. 14,04,650/-.

3. The Id. A.R. submitted that the assessee has given the details of cash book along with ledger of land which is as follows:-

Page No.	Description
27	<i>This is page is a ledger of land at Pardi Ser. No. 122, 123/1, 121/P in the books of assessee from 01.04.2008 to 01.03.2009 indicating cash payment.</i>
28	<i>This is page is a ledger of Advance Agn. Land Dhirubhai in the books of assessee from 01.04.2008 to 01.03.2009 indicating cash payment.</i>
29	<i>This page is bank statement of account no. 1000/4607 of the assessee maintained with SardarBhiladwalaPardi People's Co.-Op. Bank Ltd.</i>
30	<i>This page is cash book of assessee from 25.04.2008 to 23.06.2008</i>
31	<i>This page is cash book of assessee from 30.06.2008 to 19.08.2008</i>
32	<i>This page is cash book of assessee from 31.08.2008 to 24.10.2008</i>
33	<i>This page is cash book of assessee from 24.10.2008 to 10.11.2008</i>
34	<i>This page is cash book of assessee from 10.11.2008 to 30.01.2009</i>

4. The Id. D.R. relied upon the assessment order and order of the CIT(A).

5. We have heard both the parties and perused all the relevant material available on record. The CIT(A) has not considered the agricultural income of the assessee to the extent of Rs. 9,66,000/- for which the assessee has given the details from 32 to 38 page of the paper book. From the perusal of the record, it appears that the assessee has explained the entire amount including that of Rs. 14,04,650/-, therefore, we hold that the assessee explained through various documents, the source of investment.

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6. In the result, the appeal of the assessee is allowed.

Order ispronounced in the open Court on 03.02.2026

**Sd/-
(DR. B.R.R. KUMAR)
VICE-PRESIDENT**

**Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Surat; Dated 03/02/2026

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आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent.
3. संबंधितआयकरआयुक्त/ Concerned CIT
4. आयकरआयुक्त (अपील)/ The CIT(A)-
5. विभागीयप्रतिनिधि,आयकरअपीलीयअधिकरण ,/DR,ITAT, Surat,
6. गार्डफाईल / Guard file.

आदेशानुसार/ BY ORDER,

सहायकपंजीकार (Asstt. Registrar)
आयकरअपीलीयअधिकरण
ITAT, Surat