

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
AGRA (SMC) BENCH, AGRA**

**BEFORE : SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER**

**ITA No. 543/Agr/2025  
Assessment Year: 2009-10**

Pawan Gupta 104 Sai Kripa Apartment, C-34, Harishankarpuram, Gwalior	<b>Vs.</b>	Income Tax Officer, Ward 2(3), Gwalior
<b>PAN : AJTPG3192P</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	None
Department by	Shri Anil Kumar, Sr. DR

Date of hearing	19.02.2026
Date of pronouncement	19.02.2026

**ORDER**

The assessee has filed this appeal against the order of the learned Commissioner of Income-tax (Appeals),-4 Mumbai dated 26.09.2025 for the Assessment Year 2009-10.

2. At the time of hearing, none appeared on behalf of the assessee the issue being simple I proceeded to adjudicate the issue in this case with the assistance of Id. DR.

3. Brief facts of the case are the assessee has filed his return of income for Assessment Year 2009-10 on 31.03.2010 declaring total income of Rs. 1,70,220/-. The case was selected for scrutiny under CASS. Subsequently, notices u/s 143(2) and 142(1) were issued and served on the assessee. In

response, AR of the assessee attended and submitted the relevant information as called for. The assessee is engaged in the transport related consultancy with RTO and carries on business in the name of Balaji Yatayat Agency. During assessment proceedings the Assessing Officer observed that assessee has deposited Rs. 1,00,000/- in his bank account received from Sh. Govind Singh, cash deposited State Bank of Indore out of Money receipts relating to Balaji Telecom Company to the extent of Rs. 10,83,890/-, cash deposit of Rs. 6,15,905/-, None disclosure of interest on FDR and non disclosure commission income. After considering detailed submitted by the assessee, he rejected the same as non convincing, accordingly, proceeded to complete the assessment u/s 143(3) of the Act by making the above said additions to the total income of the assessee.

4. Aggrieved with the above order assessee preferred an appeal before Id. CIT(A) -4, Mumbai. Before Id. CIT(A) assessee has filed a detailed submissions ground wise, which is reproduced in impugned order from pages 3 to 9. After considering the detailed submissions not convinced the detailed submission, he sustained the additions made by the Assessing Officer.

5. Aggrieved, the assessee is in appeal before ITAT, raising following grounds:

Ground No.1:-

That the learned CIT (A) was not justified in Confirming an addition of Rs. 100000/- u/s 69A of the IT Act being deposit in appellant 5 bank a/c No 63026813599 of State Bank of Indore while above amount was paid through account payee cheque by shri Govind Singh Bhadoriya for transport related work, even Not considering the affidavit filed before the A.O. (Copy of Affidavit attached). It is prayed that the above addition may kindly be deleted.

Ground No.2:-

That the Justified learned CIT (A) was not further an upholding addition of Rs. 1083890/- as unexplained money u/s 69A, Ignoring appellant's, humble genuine Submission made before the learned CIT (A) that the amount was received on various dates from Balaji Telecom Co., Mau (Bhind) in lieu of Which Banker's cheque where prepared by the Assessee and giving to Balaji Telecom co (after retaining small amount of commission) For payment to Idea Cellular Limited. The Above addition may kindly be deleted.

Ground No.3:-

That the learned CIT(A) was not justified in confirming addition of Rs. 615905/- as Unexplained money, without appreciating Assessee's submission. The above addition may Kindly be deleted.

Ground No.4:-

That the learned CIT (A) was not justified In confirming addition of accrued interest Of Rs.4225/- while accrued interest is shown on receipt basis. The above addition be deleted.

Ground No.5:-

That the learned CIT(A) was not justified in confirming Addition of Rs. 30000/-just estimated by the A.O. as received from sundry Customers to transport work. The above be deleted. commission & related addition be deleted.

Ground No. 6:-

The appellant craves leave to add, amend, substitute or delete any ground at the time or before hearing of appeal.

6. At the time of hearing, Id. DR brought to our notice the relevant facts on record and relied on the detailed findings of lower authorities.

7. Considered the submissions of the Id. DR and material available on record. With the regard to addition of Rs. 1,00,000/- in the State Bank of Indore, I observe that assessee is in the business of consultancy with RTO in the process, one Mr. Govind Singh wanted to work as an agent of the RTO, he gave Rs. 1,00,000/- was deposited in assessee's bank account subsequently various DDs issued to Sh. Govind Singh As per the date wise detail submitted by the assessee. I also observe that Sh. Govind Singh had filed a confirmation in this regard. The same was rejected by the lower authorities. Since, this transaction relating to RTO consultancy the same cannot be rejected on face of it. In my consider view, the assessee had already filed the confirmation from Sh. Govind Singh and small commission income. Therefore, I am inclined to allow the ground No. 1 raised by the assessee.

8. With regard to ground No. 2, I observe that assessee has received during the month of March, 2009 to the extent of Rs. 1083890/- and on the same date banker cheques were issued to Idea Celluler Ltd. obtain immediate delivery of phones, sim, recharge vouchers etc. and the same was recorded as receipt from Balaji Telecom. It was submitted that the above transaction relates to the proprietor Mr. Pushpendra Jain who is the

owner of Balaji Telecom after considering submissions of both parties, I observe that it is fact on record that assessee has carried on some business along with Mr. Pushpendra Jain. Therefore, the above transaction has to be considered as business transaction, a reasonable income can be estimated instead of making whole addition u/s 69A of the Act. Accordingly, I direct Assessing Officer to estimate the income @ 8% of above amount. In the result, ground No. 2 raised by the assessee is partly allowed.

9. With regard to ground No. 3, I observe another addition of Rs. 615905/- I observe that assessee is in the business of RTO consultancy services and cash received from various clients and the same was utilized to make demand draft in favour of transport authorities. This being business transaction closely link to the business of the assessee. I notice that assessee has declared income of Rs. 1,70,220/- in my view, there is no requirement for further estimation of income.

10. With regard to ground No. 4, I observe the addition of accrued interest of Rs. 4,225/- out of FDR of Rs. 65,000/-. It is claimed that the same will be declared at the time of maturity. Since this is small amount having vary negligible tax impact. The assessee is directed to declare the same as per approval not to show as income at the time of maturity.

11. With regard to ground No. 5, I observe that the Assessing Officer added commission on adhoc basis with the presumption that the assessee

might have earned from business Balaji Telecom. Since I already treated the amount deposited by the Balaji Telecom as business transactions estimated the income. This addition become infructuous. Accordingly ground No. 5 raised by the assessee is allowed.

12. In the result, appeal filed by the assessee is partly allowed.

***Order pronounced in the open court on 19.02.2026***

**Sd/-  
(S. RIFAUR RAHMAN)  
ACCOUNTANT MEMBER**

**Dated: 20.02.2026**

\*Ganesh Kumar, Sr. PS

Copy forwarded to:

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

Asst. Registrar, ITAT, Agra