

**IN THE INCOME TAX APPELLATE TRIBUNAL “D” BENCH, MUMBAI**  
**BEFORE SHRI SAKTIJIT DEY, VICE PRESIDENT AND**  
**SHRI MAKARAND VASANT MAHADEOKAR, ACCOUNTANT MEMBER**

ITA No.6640/Mum/2025  
(Assessment Year: 2013-14)

Rita Anil Kapoor Rowhouse No. 6, Grand Paradi, August Kranti Marg, Kemps Corner, Mumbai-400 036	Vs.	National Faceless Assessment Centre, Delhi [present jurisdiction Income-tax Officer Ward 19(2)(4)-Mumbai]
PAN/GIR No. ATVPK 7073 K		
<b>(Appellant)</b>	:	<b>(Respondent)</b>

<b>Appellant by</b>	:	Shri M. P. Lohia
<b>Respondent by</b>	:	Shri Annavaram Kosuri

<b>Date of Hearing</b>	:	18.02.2026
<b>Date of Pronouncement</b>	:	23.02.2026

ORDER

Per Saktijit Dey, Vice President:

The present appeal by the assessee, arises out of order dated 19.08.2025 passed by National Faceless Appeal Centre (‘NFAC’ for short), Delhi for the assessment year (A.Y. for short) 2013-14.

2. The solitary issue on merit is concerning the addition of an amount of Rs.6,60,37,500/- u/s. 69 of the Act, representing alleged unexplained investment in purchase of immovable property.

3. Briefly, the facts are, the assessee is a resident individual. For the assessment year under dispute, the assessee did not filed her return of income, since, she did not have any reportable income.

4. Subsequently, the Assessing Officer ('A.O.' for short) received information that in the year under consideration, the assessee had purchased an immovable property investing huge amount. Whereas, she had not filed any return of income. Alleging escapement of income, the A.O. reopened the assessment u/s. 147 of the Act. In course of assessment proceeding, the A.O. called upon the assessee to explain the source of investment made in purchase of immovable property. In response to the query raised by the A.O., the assessee furnished the details of the property purchased. While explaining the source, the assessee submitted that the entire fund for purchase of property was contributed by her husband Shri Anil Kapoor (now deceased), out of his own savings and assessee has not invested even a single penny. The assessee explained that assessee's name was merely added as a joint owner while executing the sale agreement considering the fact that assessee's husband was a non-resident India (NRI). The assessee further intimated the A.O. that her husband had died prior to initiation of assessment proceedings and copy of death certificate was furnished before the A.O. To demonstrate that the funds have been sourced from her husband, the assessee furnished relevant bank statements depicting movement of fund. The A.O., however, was not convinced with the submissions of the assessee. After verifying the bank account, the A.O. observed that amount of Rs.5,01,00,000/- paid through three cheques of Rs.1,67,00,000/- even from BNP Paribus Short Term Income Fund, stood explained. Whereas, according to the A.O., the balance payment of Rs.12,34,00,000/- towards purchase of house and stamp duty of Rs.86,72,000/- remained unexplained. The assessee being joint owner of the property, the A.O. added an amount of Rs.6,60,37,800/-, being 50% of the aggregate amount of Rs.13,20,75,000/-, at the hands of the assessee by treating it as 'unexplained investment' u/s. 69 of the Act.

5. Though the assessee contested the addition before Id. First appellate authority, however, she was unsuccessful.

6. Before us, Id. Counsel appearing for the assessee drew attention to the copy of the sale deed placed in the paper book and submitted that since the husband was NRI, assessee's name was added as joint owner while executing the sale deed. Drawing our attention to the schedule of payment mentioned in the sale deed, Id. Counsel submitted, the entire payment was sourced through assessee's husband Late Anil Kapoor. In this context, he drew our attention to copy of joint bank account in the name of the assessee and her husband, as also the bank statement of assessee's husband. He also drew our attention to the fund flow statement with source. He submitted, without factually verifying the contentions made and the documents furnished before him, the A.O. arbitrarily made the additions. Whereas, Id. First appellate authority has sustained the additions mechanically, merely repeating the observations of the A.O. Thus, he submitted, the addition has to be deleted. In support, Id. Counsel for the assessee relied upon the decision of Hon'ble Jurisdictional High Court in case of *Hetal Vipul Shah vs. ITO* [2025] 177 taxmann.com 470 (Bom).

7. The Id. Departmental Representative ('Id. DR for short) strongly relied upon the observations of the A.O. and Id. First appellate authority.

8. We have given thoughtful consideration to rival contentions and perused the materials on record. We have also gone through the judicial precedent cited before us by Id. Counsel appearing for the assessee. Undisputedly, from the stage of assessment proceeding itself the assessee had consistently taken the stand that the entire investment in

purchase of the house property was made by her deceased husband. Such claim of the assessee was backed by documentary evidences including bank statements. On perusal of the sale deed, we found that the property has been purchased jointly in the name of assessee's husband Late Anil Kapoor and the assessee. The sale deed enumerates the details of payment of sale consideration of Rs.17,35,00,000/-. In fact, in course of assessment proceeding, the assessee had furnished the entire break up of payments with source along with the copies of bank statements. The source of investment has been explained as under:

		<u>Mr. Anil Kapoor</u>					
		<u>Details of Purchase of Flat in AY 2013-14</u>					
Particulars		Flat No.42, 4th Floor, Mont Blanc, Dadyseth Hill, August Kranti Marg, Mumbai - 400 036	Payment Details				
			Date	Cheque	Amount	Pg.Ref.No.	
Date of Purchase		05 - 06 - 2012					
Date of Registration		05 - 06 - 2012					
Cost of Property	17,35,00,000						
Bank Charges	50						
			13-03-2012	930327	1,67,00,000	Pg - 1/5	
			13-03-2012	930328	1,67,00,000	Pg - 1/5	
			13-03-2012	930329	1,67,00,000	Pg - 1/5	
			31-05-2012	RTGS	5,02,20,585	Pg - 2/5	
			04-06-2012	697344	2,28,93,155	Pg - 2/5	
			04-06-2012	697343	2,28,93,155	Pg - 2/5	
			04-06-2012	697345	2,28,93,155	Pg - 3/5	
			13-06-2012	697649	45,00,000	Pg - 4/5	
Total Cost	(A)	17,35,00,050			17,35,00,050	-	
Add :-							
<u>Other Incidental Cost</u>							
Stamp Duty	86,75,000		01-06-2012	697281	86,75,000	Pg - 2/5	
Registration Charges	30,000		04-06-2012	697339	30,000	Pg - 2/5	
Registration Charges Other Charges (Cash)	720		13-06-2012	cash	720	-	
Society Transfer charges	45,00,000		13-06-2012	697649	45,00,000	Pg - 4/5	
Society charges (other charges)	25,000		13-06-2012	023907	25,000	Pg - 4/5	
Commission	22,47,200		28-08-2012	056665	22,47,200	Pg - 5/5	
Total Incidental Cost	(B)	1,54,77,920	14-11-2574		1,54,77,920	-	
Total Cost of Flats - I	(A + B)	18,89,77,970	14-11-2574		18,89,77,970	-	

9. From the details furnished, it can be seen that the entire payment was made through cheque and no payment in cash is involved. Even, the assessee had explained the source of such investment by reconciling with the bank statements. On perusal of bank statements placed before us, it is noticed that an amount of Rs.5,01,00,000/- has come from BNP Paribus Short Term Income Fund, whereas, Rs.8,38,50,000/- was paid through the joint

account held by the assessee and his husband in HSBC Bank, having been transferred from fixed deposits standing in the name of Late Anil Kapoor for an amount of USD 15 lacs. Another amount of Rs.9 crores has been credited to the said bank account out of the withdrawal. Thus, the entire source of investment in the purchase of property stands explained through the bank accounts alone. Admittedly, all these documentary evidences were furnished before the departmental authorities. It is also a fact that assessee's husband Late Anil Kapoor had died prior to commencement of assessment proceeding. Thus, when assessee's husband had died prior to commencement of assessment proceedings, his confirmation could not have been furnished by the assessee. However, all other documentary evidences including income tax return, copy of husband's death certificate were filed before the A.O. On perusal of the return of income filed by Late Anil Kapoor, copies of which are placed in the paper book, it is noticed that he had offered the rental income from the very same property in A.Ys. 2014-15 and 2015-16. While, in A.Y. 2014-15, he has offered an amount of Rs.40 lacs, in A.Y. 2015-16 it has increased to Rs.60 lacs. All these evidences available on record undeniably demonstrate that the investment in purchase of the house property was entirely funded by assessee's husband through legitimate source and banking channel. The allegation of the A.O. that the assessee could not furnish supporting evidences to explain the source of investment does not stand to reason, keeping in view the evidences available on record.

10. Learned first appellate authority has merely parroted the version of the A.O. stating that specific details required by the A.O. were not furnished. We fail to understand what more specific details could have been furnished by the assessee to satisfy the A.O. Keeping in view the factual matrix and the evidences available on record, we have no hesitation in

holding that the assessee had satisfactorily establish the source of investment in purchase of the house property. Hence, no addition u/s. 69 of the Act is called for. More so, when the A.O. has failed to identify any source of income of the assessee. The judicial precedent relied upon by the Id. Counsel for the assessee supports the view taken by us. Accordingly, we direct the A.O. to delete the addition made u/s. 69 of the Act.

11. In the result, the appeal is allowed.

*Order pronounced in the open court on 23.02.2026*

Sd/-

(Makarand V. Mahadeokar)  
Accountant Member

Mumbai; Dated : 23.02.2026

Roshani, Sr. PS

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT - concerned
5. DR, ITAT, Mumbai
6. Guard File

Sd/-

(Saktijit Dey)  
Vice President

BY ORDER,

(Dy./Asstt. Registrar)  
ITAT, Mumbai