

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'G' : NEW DELHI

BEFORE SHRI G.D. AGRAWAL, VICE PRESIDENT AND  
SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER

ITA No.852/Del/2014  
Assessment Year : 2008-09

Shri Sanjeev Kumar Mishra,  
D-227, Pocket-3,  
DDA Flats, Bindapur,  
New Delhi – 110 059.  
PAN : AGZPM2162L.  
(Appellant)

Vs. Income Tax Officer,  
Ward-26(3),  
New Delhi – 110 001.

(Respondent)

Appellant by : Shri D. Ostwal, CA.  
Respondent by : Smt. Anima Barnwal, Senior DR.

Date of hearing : 04.02.2016  
Date of pronouncement : 19.02.2016

**ORDER**

**PER G.D. AGRAWAL, VP :-**

This appeal by the assessee for the assessment year 2008-09 is directed against the order of learned CIT(A)-XVIII, New Delhi dated 23<sup>rd</sup> December, 2013.

2. The only ground raised in this appeal by the assessee is against the addition of ₹15,27,644/- sustained by the learned CIT(A).

3. We have heard the arguments of both the sides and have perused relevant material placed before us. The Assessing Officer found that the assessee has made the total payment of ₹15,27,644/- against the credit cards of various banks. He treated the above payment as unexplained expenditure by the assessee and made the addition of ₹15,27,644/-, which is sustained by learned CIT(A).

4. At the time of hearing before us, learned counsel for the assessee furnished the summary of total credit cards payment by the assessee, copy of which is annexed herewith as Annexure-A for ready reference. From the same, it is apparent that the total payment made by the assessee against various credit cards is ₹20,99,082/-. However, from the source of payment, it is evident that all the payments have been made by using other credit cards. There is no cash payment made against any credit card but from one credit card, the assessee made the payment for another credit card. In view of the above, we do not find any justification for holding that there was any unexplained payment made against the credit cards. The payment was made for one credit card by utilizing the credit facility of another credit card. In view of the above, we delete the addition of ₹15,27,644/- made by the Assessing Officer and sustained by the learned CIT(A).

5. In the result, the appeal of the assessee is allowed.  
Decision pronounced in the open Court on 19.02.2016.

Sd/-  
**(CHANDRA MOHAN GARG)**  
JUDICIAL MEMBER

Sd/-  
**(G.D. AGRAWAL)**  
VICE PRESIDENT

VK.

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1. Appellant : **Shri Sanjeev Kumar Mishra,**  
**D-227, Pocket-3, DDA Flats, Bindapur,**  
**New Delhi – 110 059.**
2. Respondent : **Income Tax Officer,**  
**Ward-26(3), New Delhi – 110 001.**
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar

Contd. **Annexure-A/.....**

## SUMMARY OF CREDIT CARD PAYMENTS

- 3 -

ANNEXURE-A

SANJEEV KUMAR MISHRA  
A.Y. 2008-09  
APPEAL NO.852/853/14-15

| HSBC Bank Credit Card No. 4384-5999-0989-9154  |              |                 |            |                 |            |                    |                 |
|--|--------------|-----------------|------------|-----------------|------------|--------------------|-----------------|
| S. No.   | Date         | Amount Credited |            | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 20.06.2007   | 95,000          | HSBC Cr.C. | P-46            | 14.06.2007 | ICICI Cr.C.        | P-69            |
| 2  | 27.10.2007   | 39,000          | HSBC Cr.C. | P-49            | 20.10.2007 | SBI Cr.C.          | P-61            |
| 3  | 27.11.2007   | 70,000          | HSBC Cr.C. | P-50            | 21.11.2007 | HDFC C C           | P-109           |
| 4  | 19.02.2008   | 19,500          | HSBC Cr.C. | P-53            | 11.02.2008 | SBI C C            | P-65            |
| 5  | 19.02.2008   | 19,501          | HSBC Cr.C. | P-53            | 11.02.2008 | SBI C C            | P-65            |
| 6  | 20.02.2008   | 27,000          | HSBC Cr.C. | P-53            | 12.02.2008 | ICICI C C          | P-77            |
| 7  | 21.02.2008   | 55,000          | HSBC Cr.C. | P-53            | 13.02.2008 | ICICI C C          | P-77            |
|  | <b>Total</b> | <b>325,001</b>  |            |                 |            |                    |                 |
| SBI Bank Credit Card No. XXXX-XXXX-XXXX-6305   |              |                 |            |                 |            |                    |                 |
| S. No.   | Date         | Amount Credited |            | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 10.04.2007   | 75,000          | SBI CC     | P-56            | 06.04.2007 | HSBC C C           | P-44            |
| 2  | 04.08.2007   | 87,000          | SBI CC     | P-59            | 31.07.2007 | ICICI C C          | P-71            |
| 3  | 29.08.2007   | 30,000          | SBI CC     | P-60            | 24.08.2007 | SCB C C            | P-86            |
| 4  | 24.09.2007   | 40,000          | SBI CC     | P-60            | 18.09.2007 | SCB C C            | P-88            |
| 5  | 16.10.2007   | 40,000          | SBI CC     | P-61            | 12.10.2007 | SCB C C            | P-90            |
| 6  | 27.11.2007   | 20,000          | SBI CC     | P-63            | 18.11.2007 | ICICI C C          | P-79            |
| 7  | 08.01.2008   | 60,000          | SBI CC     | P-64            | 29.12.2007 | HDFC C C           | P-110           |
| 8  | 22.01.2008   | 42,000          | SBI CC     | P-64            | 18.01.2008 | SCB C C            | P-96            |
|  | <b>Total</b> | <b>394,000</b>  |            |                 |            |                    |                 |
| ICICI Bank Credit Card No. 5176-XXXX-XXXX-3001 |              |                 |            |                 |            |                    |                 |
| S. No.   | Date         | Amount Credited |            | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 04.06.2007   | 78,900          | ICICI CC   | P-69            | 21.05.2007 | SBI C C            | P-57            |
| 2  | 22.06.2007   | 84,000          | ICICI CC   | P-70            | 18.06.2007 | SCB C C            | P-83            |
| 3  | 06.09.2007   | 141,000         | ICICI CC   | P-72            | 31.08.2007 | HDFC C C           | P-106           |
| 4  | 10.09.2007   | 30,230          | ICICI CC   | P-72            | 02.09.2007 | SBI C C            | P-60            |
| 5  | 10.11.2007   | 10,000          | ICICI CC   | P-74            | 03.11.2007 | HSBC C C           | P-49            |
| 6  | 07.02.2008   | 75,000          | ICICI CC   | P-77            | 01.02.2008 | HSBC C C           | P-52            |
| 7  | 08.02.2008   | 85,100          | ICICI CC   | P-77            | 03.02.2008 | SBI C C            | P-65            |
|  | <b>Total</b> | <b>504,230</b>  |            |                 |            |                    |                 |
| ICICI Bank Credit Card No. 4443-XXXX-XXXX-7007 |              |                 |            |                 |            |                    |                 |
| S. No.   | Date         | Amount Credited |            | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 22.12.2007   | 43,400          | ICICI CC   | P-80            | 18.12.2007 | SBI C C            | P-63            |
|  | <b>Total</b> | <b>43,400</b>   |            |                 |            |                    |                 |

- 4 -

| SCB/MANHATTAN Bank Credit Card No. XXXX-XXXX-XXXX-3320 |              |                 |         |                 |            |                    |                 |
|--|--------------|-----------------|---------|-----------------|------------|--------------------|-----------------|
| S. No.   | Date         | Amount Credited |         | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 28.09.2007   | 30,000          | SCB CC  |                 | 24.09.2007 |                    |                 |
| 2  | 28.09.2007   | 143             | SCB CC  |                 | 24.09.2007 |                    |                 |
| 3  | 28.09.2007   | 57              | SCB CC  |                 | 24.09.2007 | RBSC C             |                 |
|  |              | 30,200          |         | P-87            |            |                    | P-116           |
| 4  | 29.10.2007   | 40,000          | SCB CC  |                 | 23.10.2007 |                    |                 |
| 5  | 29.10.2007   | 350             | SCB CC  |                 | 23.10.2007 | RBS C C            |                 |
|  |              | 40,350          | SCB CC  | P-88            |            |                    | P-117           |
| 6  | 07.03.2008   | 60,000          | SCB CC  | P-97            | 29.02.2008 |                    |                 |
| 7  | 07.03.2008   | 42,000          | SCB CC  |                 | 29.02.2008 | HDFC C C           |                 |
|  |              | 102,000         |         | P-98            |            |                    | P-112           |
| <b>Total</b>   |              | <b>172,550</b>  |         |                 |            |                    |                 |
| HDFC Bank Credit Card No. 5243-6810-0004-7251          |              |                 |         |                 |            |                    |                 |
| S. No.   | Date         | Amount Credited |         | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 26.04.2007   | 45,000          | HDFC CC | P-102           | 17.04.2007 | SBI C C            | P-56            |
| 2  | 16.08.2007   | 60,001          | HDFC CC | P-106           | 08.08.2007 | SBI C C            | P-59            |
| 3  | 06.10.2007   | 48,000          | HDFC CC | P-107           | 28.09.2007 | HSBC C C           | P-48            |
| 4  | 06.10.2007   | 25,000          | HDFC CC | P-107           | 06.10.2007 | HSBC C C           | P-107           |
| 5  | 06.10.2007   | 37,900          | HDFC CC | P-107           | 27.09.2007 | SBI C C            | P-61            |
| 6  | 08.11.2007   | 15,000          | HDFC CC | P-108           | 01.11.2007 | RBS C C            | P-117           |
| 7  | 08.11.2007   | 45,000          | HDFC CC | P-108           | 03.11.2007 | SCB C C            | P-89            |
| 8  | 19.11.2007   | 75,000          | HDFC CC | P-109           | 13.11.2007 | ICICI C C          | P-74            |
| 9  | <b>Total</b> | <b>20,000</b>   | HDFC CC | P-111           | 01.02.2008 | SBI C C            | P-65            |
| 10   | 26.02.2008   | 20,000          | HDFC CC | P-112           | 19.02.2008 | ICICI C C          | P-78            |
| 11   | 28.02.2008   | 75,000          | HDFC CC | P-112           | 21.02.2008 | HSBC C C           | P-53            |
| 12   | 01.03.2008   | 77,000          | HDFC CC | P-112           | 24.02.2008 | ICICI C C          | P-78            |
| 13   | 29.03.2008   | 42,000          | HDFC CC | P-113           | 22.03.2008 | SCB C C            | P-99            |
| <b>Total</b>   |              | <b>584,901</b>  |         |                 |            |                    |                 |
| RBS Bank Credit Card No. 5425-0517-0292-0140           |              |                 |         |                 |            |                    |                 |
| S. No.   | Date         | Amount Credited |         | Cross reference | Trfd. Date | Sources of Payment | Cross reference |
| 1  | 28.11.2007   | 75,000          | RBS C C | P-118           | 20.11.2007 | HSBC C C           | P-50            |
| <b>Total</b>   |              | <b>75,000</b>   |         |                 |            |                    |                 |

|                    |                  |
|--------------------|------------------|
| <b>Grand Total</b> | <b>2,099,082</b> |
|--------------------|------------------|