

**IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK
'SMC' BENCH, CUTTACK**

BEFORE SHRI N.S SAINI, ACCOUNTANT MEMBER

ITA No.40/CTK/2017
Assessment Year : 2009-2010

Pramod Kumar Bihari, Plot No.95/1287, Road No.II, Jagannth Nagar, Rasulgarh, Bhubaneswar.	Vs.	ITO, Ward-4(3), Aayakar Bhavan, Rajaswa Vihar, Bhubaneswar.
PAN/GIR No. AHOPB 1780 H		
(Appellant)	..	(Respondent)

Assessee by : Shri G.K.Mishra, AR
Revenue by : Shri D.K.Pradhan, DR

Date of Hearing : 23 /05/ 2017
Date of Pronouncement : 26/05/2017

ORDER

This is an appeal filed by the assessee against the order of CIT(A)-2, Bhubaneswar, dated, 27.10.2016 for the assessment year 2009-2010 .

2. The sole issue involved in this appeal is that the Id CIT(A) is not justified in confirming the order of the Assessing Officer making addition of Rs.6,68,469/- u/s.69C of the Income tax Act, 1961.

3. I have heard the rival submissions and perused the orders of lower authorities and materials available on record. The undisputed facts of the case are that during the course of assessment proceedings, the Assessing

Officer found that the assessee has five credit cards of different banks namely; ICICI Bank, Citi Bank, HDFC Bank, state of India and Axis Bank. From the AIR information, the Assessing Officer found that the assessee had made payment of Rs.25,04,397/- using three credit cards. He further found that the assessee has shown gross receipts of Rs.20,96,350/-, expenditure of Rs.19,28,650/- and net profit of Rs.1,67,700/- from the business of readymade garments. Therefore, the Assessing Officer concluded that the expenditure shown by the assessee was Rs.19,28,650/- and the payments shown to have been made using five credit cards of Rs.25,97,119/- and the source of balance expenditure of Rs.6,68,469/- remained unexplained. The assessee was asked by the Assessing Officer for details of transaction in respect of five credit cards but the assessee submitted details in respect of only three credit cards namely; ICICI Bank, State Bank of India and Axis Bank. Further, the total credits in these three credit cards did not match with the gross receipts of Rs.20,96,350/- shown in the return of income. Therefore, the Assessing Officer made addition of Rs.6,68,469/- to the income of the assessee u/s.69C of the Act.

4. On appeal, the CIT(A) confirmed the action of the Assessing Officer observing that it was not in dispute that payment of Rs.25,04,397/- was made by the assessee using the five credit cards. The assessee has only one account in ICICI Bank and the receipts in that account are of Rs.15,35,073/-. Further, receipts in ICICI credit card, Axis Bank credit card and Citi credit card are of Rs.47,317/-, Rs.74,065/ and Rs.5,00,556/-

aggregating of the receipts of three credit cards is Rs.21,07,011/-. The gross receipts shown by the assessee in the return of income are of Rs.20,96,350/-. Therefore, considering the entire facts of the case, he was in agreement with the Assessing Officer that the source of payment of Rs.6,68,469/- remained unexplained and addition made by the Assessing Officer u/s.69C of the Act was confirmed by him.

5. Aggrieved by this order of the CIT(A), the assessee is in appeal before me.

6. Before me, Id A.R. reiterated the submissions made before the lower authorities. When the Bench asked Id A.R. of the assessee for copies of bank statements of all the credit cards used by the assessee of different banks, he expressed his inability to submit the same on the ground that the matter was more than 7 to 8 years old.

7. Ld D.R. fully justified the order of the CIT(A).

8. I find that the Id A.R. of the assessee failed to substantiate the source of payment made through three five credit cards to the extent of Rs.6,68,469/- before the lower authorities. No material was brought before the Assessing Officer or the CIT(A) or even before me to show that Rs.6,68,469/- paid through five credit cards was out of the explained source of the assessee. In absence of the same, I find no good and justifiable reason to interfere with the order of the CIT(A), which is hereby confirmed and ground of appeal of the assessee is dismissed.

9. In the result, the appeal filed by the assessee is dismissed.

Order pronounced in the open court on 26/05/2017 in the presence of parties.

Sd/-

(N.S Saini)

ACCOUNTANT MEMBER

Cuttack; Dated 26/05/2017

B.K.Parida, SPS

Copy of the Order forwarded to :

1. The Appellant : Pramod Kumar Bihari, Plot No.95/1287, Road No.II, Jagannth Nagar, Rasulgarh, Bhubaneswar.
2. The Respondent. ITO, Ward-4(3), Aayakar Bhavan, Rajaswa Vihar, Bhubaneswar
3. The CIT(A)-2, Bhubaneswar
4. Pr.CIT-2, Bhubaneswar
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

BY ORDER,

SR.PRIVATE SECRETARY
ITAT, Cuttack

		Date	Initial	
1.	Draft dictated on	23/05/17		Sr.PS
2.	Draft placed before author	23/05/17 (dictation pad has been enclosed along with original file)		Sr.PS
3.	Draft proposed & placed before the second member			AM
4.	Draft discussed/approved by Second Member.			AM
5.	Approved Draft comes to the Sr.PS/PS			Sr.PS /PS
6.	Kept for pronouncement on			Sr.PS
7.	File sent to the Bench Clerk			Sr.PS
8.	Date on which file goes to the H.C.			
9.	Date on which file goes to the SPS			
10.	Date of dispatch of Order.			