

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

"D" BENCH, CHENNAI

श्री ए. मोहन अलंकामणी, लेखा सदस्य एवं श्री वी. दुर्गा राव, न्यायिक सदस्य केसमक्ष

BEFORE SHRI A. MOHAN ALANKAMONY, ACCOUNTANT MEMBER AND  
SHRI V. DURGA RAO, JUDICIAL MEMBER

आयकर अपील सं./ITA No.2861/Mds/2014

निर्धारण वर्ष /Assessment Year : 2010-11

The Income Tax Officer,  
Ward I(1),  
Kumbakonam – 612 001.

Shri A. Thangaraj,  
v. No.87/44, Pachyappa Street,  
Kumbakonam – 612 001.

(अपीलार्थी/Appellant)

PAN : ACMPT 6648 R

(प्रत्यर्थी/Respondent)

आयकर अपील सं./ITA No.2771/Mds/2014

निर्धारण वर्ष /Assessment Year : 2010-11

Shri A. Thangaraj,  
No.87/44, Pachyappa Street,  
Kumbakonam – 612 001.

The Income Tax Officer,  
v. Ward I(1),  
Kumbakonam – 612 001.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

Revenue by : Shri N. Madhavan, JCIT

Assessee by : Shri T. Banusekar, CA

सुनवाई की तारीख/Date of Hearing : 25.02.2015

घोषणा की तारीख/Date of Pronouncement: 05.03.2015

### **आदेश / O R D E R**

**PER V. DURGA RAO, JUDICIAL MEMBER:**

The Revenue and the assessee are in cross appeals filed against the order of the Commissioner of Income Tax (Appeals), Tiruchirapalli, dated 27.08.2014 for the assessment year 2010-11.

2. Facts in brief are that the assessee is dealing with the business of puffed rice. The return of income filed by the assessee was initially processed/ 143(1) of the Income-tax Act, 1961 and after due process, the assessment was completed under Section 143(3) of the Act. During the course of assessment proceedings, the A.O. has found certain cash credits in the assessee's bank accounts. When the A.O. asked the assessee for explanation, the assessee failed to explain before the A.O. Therefore the A.O. has invoked provisions of Section 68 of the Act and made additions accordingly.

3. The assessee carried the matter in appeal before the Ld. CIT(Appeals). The assessee filed all the details and gave explanation before the Ld. CIT(Appeals). The Ld. CIT(Appeals), after considering the explanation given by the assessee, deleted the addition made by the A.O. in respect of cash credits and sustained the addition in respect of the unaccounted turnover.

4. On being aggrieved, both Revenue as well as the assessee are before us.

5. The Ld. D.R. has submitted that the assessee has not filed any details before the A.O. and only filed before the Ld.

CIT(Appeals). He submitted that the entire issues have to go back to the A.O. to decide afresh.

6. On the other hand, the Ld.counsel for the assessee fairly accepted that the issues may be remitted back to the A.O.

7. We have heard both sides and perused the records and gone through the orders of the authorities below. By considering the submissions of both the parties, we find that the order passed by the Ld. CIT(Appeals) has to be set aside. Accordingly, we set aside the order of the Ld. CIT(Appeals) and direct the A.O. to decide the issues de novo after giving reasonable opportunity of being heard to the assessee.

8. In the result, the appeals filed by the Revenue as well as the assessee are treated as allowed for statistical purposes.

Order pronounced on Thursday, the 5<sup>th</sup> of March, 2015 at Chennai.

Sd/-

(ए. मोहन अलंकामणी)

(A. Mohan Alankamony)

लेखा सदस्य/Accountant Member

चेन्नई/Chennai,

दिनांक/Dated, the 5<sup>th</sup> March, 2015.

Kri.

sd/-

(वी. दुर्गा राव)

(V. Durga Rao)

न्यायिक सदस्य/Judicial Member

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A), Thiruchirappalli
4. आयकर आयुक्त/CIT-II, Trichy
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.