

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**"A" BENCH, CHENNAI**

श्री चंद्र पूजारी, लेखा सदस्य एवं  
श्री चल्ला नागेन्द्र प्रसाद, न्यायिक सदस्य के समक्ष  
BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER &  
SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER  
आयकर अपील सं./ **I.T.A. No.2928/Mds/2014**  
(निर्धारण वर्ष / Assessment Year : 2010 -2011 )

Shri. A. Narayanaswamy,  
No.6, 2<sup>nd</sup> Main Road,  
Dhandeswar Nagar,  
Velachery,  
Chennai 600 042.

The Income Tax Officer,  
Vs Business Ward –IV (1)  
Chennai 600 034.

[PAN: ADGPN 4263M]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri. B. Ramanakumar, Advocate

प्रत्यर्थी की ओर से / Respondent by : Dr. Nischal, JCIT.

सुनवाई की तारीख/Date of hearing : 26.03.2015

घोषणा की तारीख /Date of Pronouncement : 26.03.2015

**आदेश / O R D E R**

**PER CHANDRA POOJARI, ACCOUNTANT MEMBER**

This appeal by the assessee is directed against the order of  
the Commissioner of Income Tax (Appeals)-V, Chennai, dated  
02.09.2014.

2. The assessee's grievance in this appeal is with regard to addition of ₹22,74,860/- u/s. 68 of the Income Tax Act.

3. The brief facts of the case are that the assessee had electronically filed his income tax return for the assessment year 2010-11 declaring his income of ₹4,20,590/-. The case was selected for scrutiny through CASS and notices under section 143(2) and 142(1) were issued. The Assessing Officer completed the assessment u/s.143(3) determining the total income at ₹26,95,450/- by adding the cash deposit of ₹22,74,860/- as unexplained income. The Assessing Officer has also levied interest u/s. 234A, 234B and 234C amounting to ₹1,02,760/-, ₹2,64,240/- and ₹1,455/- respectively. Aggrieved, the assessee preferred an appeal before the Commissioner of Income Tax (Appeals). The Commissioner of Income Tax (Appeals) vide order dated 02.09.2014 confirmed the above addition. Against this, the assessee is in appeal before us.

4. We have heard both the parties and perused the material on record. The Id. Counsel submitted that the assessee is a senior citizen deriving income from "House Property". There is sufficient cash balance on hand and same was deposited into his bank account and there is no unexplained investment or unexplained credit. He

submitted that the assessee could explain every transaction in bank account if proper opportunity of hearing is given to the assessee by the Assessing Officer. We are inclined to consider this request of assessee's counsel. Accordingly, we remit the disputed issue to the file of the Assessing Officer with the direction to give one more opportunity to the assessee to present his case. Further, we also direct the assessee to place full particulars of financial statements and other evidence to support his case and thereafter, the Assessing Officer shall consider the same after giving adequate opportunity of hearing to the assessee.

5. In the result, the appeal of the assessee in ITA No.2928/Mds/2014 is partly allowed for statistical purposes.

Order pronounced in the open court at the time of hearing on Thursday, the 26<sup>th</sup> of March, 2015 at Chennai

Sd/-

(चल्ला नागेन्द्र प्रसाद )

(CHALLA NAGENDRA PRASAD)

न्यायिक सदस्य/ JUDICIAL MEMBER

चेन्नई/Chennai.

दिनांक/Dated:26.03.2015.

**KV**

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant 2.प्रत्यर्थी/ Respondent 3. आयकर आयुक्त (अपील)/CIT(A) 4. आयकर आयुक्त/CIT 5. विभागीय प्रतिनिधि/DR 6. गार्ड फाईल/GF.

Sd/-

(चंद्र पूजारी )

(CHANDRA POOJARI)

लेखा सदस्य/ ACCOUNTANT MEMBER

