

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "G", NEW DELHI
BEFORE SH. N. K. SAINI, ACCOUNTANT MEMBER
AND
SMT. BEENA A. PILLAI, JUDICIAL MEMBER**

**I.T.A. No. 1836/Del/2014
(Assessment Year 2008-09)**

Sanjay Bansal M-148, Greater Kailash-II New Delhi GIR/PAN: AFAPB8655H	Vs.	ACIT, Central Circle-23(1), New Delhi
(Appellant)		(Respondent)

Appellant by : Smt. Preeti Goyal, Adv.
Respondent by : Sh. A. K. Sharma, Sr.DR

Date of hearing : 16.02.2017
Date of Pronouncement: 22.02.2017

ORDER

PER BEENA A. PILLAI, JM:

1. The present appeal has been filed by assessee against order dated 13.01.2014 passed by Ld. CIT(A) is meant for assessment year 2008-09 on the following grounds of appeal:

This appeal is preferred against the order of the Commissioner of Income Tax (A)XXIII New Delhi ("hereinafter referred to as "the Learned CIT(A)") under section 143(3) of the Income Tax Act 1961, ('Act')

1. The Learned CIT(A) has grossly erred in the facts and circumstances of the case and in law in disallowing the Loss of Rs. 4,45,865.00 from income under the head "Profits and gains of business and Profession"

2. *The Learned CIT(A) has grossly erred in the facts and circumstances of the case and in law, in disallowing the loss of Rs. 80,625.00 from Surendra K Bansal & Co.,*

3. *The Learned CIT(A) has grossly erred in the facts and circumstances of the case and in law in holding that source of receipts of Rs. 56,500.00 were not provided during appellate proceedings and that fuel expenses were not claimed by the appellant.*

4. *The Learned CIT(A) has grossly erred in the facts and circumstances of the case in charging interest U/s 234A, 234B, 234C and penalty U/s 271(1)© of the Act.*

5. *The appellant craves leave to add, alter, omit or substitute any or all of the above grounds of appeal, at any time before or at the time of hearing of the appeal.*

2. The brief facts of the case are as under:

Assessee filed his return of income on 26.05.2009 declaring a total income of Rs.2,63,81,674/-. Assessing Officer observed that assessee derived his income from salary, house property, short term capital gains, other sources and profession during the year under consideration. The return of income was processed under section 143(1) of the Act. It was observed by Ld. AO that, in the computation of income filed alongwith return, assessee claimed loss of Rs.4,45,865/-, under the head profit and gains of business and profession. It was submitted by assessee that the same pertains to consultancy activity carried on by assessee under name and style "Sanjay Bansal research consultancy". Ld. AO

observed that assessee had debited expenses like establishment, LIC, telephone, hospitality, member subscription, insurance, credit card expenses and depreciation in the profit and loss account amounting to Rs.80,620/-. Ld. AO disallowed loss on account of business expenditure incurred, on the ground that no details of expenses have been filed and expenses incurred could not be attributed to the business activity carried on by assessee.

3. Aggrieved by addition so made, assessee preferred appeal before Ld. CIT(A) who upheld the additions made by Ld. AO.

4. Aggrieved by order of Ld. CIT (A), assessee is in appeal before us now.

5. Ld. AR submitted that Assessing Officer has disallowed the loss amounting to Rs.4,45,865/- and Rs.80,625/- on mere surmises and conjunctures.

6. On the contrary, Ld. DR relied upon the findings of Ld. CIT(A) in support of his arguments.

7. We have perused the submissions advanced by both the sides in the light of the records placed before us.

8. It is observed from the assessment order passed that the assessing officer has disallowed loss claimed by assessee amounting to Rs.4,45,864/-, details of which have not been submitted before the authorities below. It is observed that the

assessee has shown an income of Rs.56,500/-towards income from consultancy against which an expenses amounting to Rs.80,625/- has been claimed. It is also observed that Assessing Officer has neither bifurcated the expenses that is attributable to the consultancy business has called for any further information in order to bring on record the correct facts.

9. Under such circumstances we are left with no choice but to restore the matter back to the files of Ld. AO for *de-novo* verification of facts as per law. Assessing Officer is directed to issue notice to the assessee and the assessee is directed to cooperate with the assessment proceedings by filing all necessary and relevant information that are called for, by Ld. AO, in order to complete the assessment. Accordingly the ground raised by assessee stands allowed for statistical purposes.

In the result appeal filed by the assessee stands allowed for statistical purposes.

Order pronounced in the open court on 22nd February, 2017.

Sd/-

(N. K. SAINI)
ACCOUNTANT MEMBER
Date: 22.02.2017

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Sd/-

(BEENA A. PILLAI)
JUDICIAL MEMBER