

आयकर अपीलिय अधिकरण, जयपुर न्यायपीठ, जयपुर  
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCHES,"A-Bench" JAIPUR

श्रीमती अन्नपूर्णा गुप्ता, लेखा सदस्य एवं श्री नरेन्द्र कुमार, न्यायिक सदस्य के समक्ष  
BEFORE: SMT. ANNAPURNA GUPTA, AM & SHRI NARINDER KUMAR, JM

आयकर अपीलसं./ITA No. 1324/JPR/2025  
निर्धारण वर्ष/AssessmentYear : 2017-18

Buniya Amin Jama Mashid Ke Pass Bapawar Kala, Kota.	बनाम Vs.	The ITO, Ward-2(2), Kota.
स्थायीलेखा सं./जीआईआरसं./PAN/GIR No. ARQPA3104N		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओरसे / Assessee by : Shri Kushal Soni, C.A. (through V.C.)  
राजस्व की ओरसे / Revenue by: Mrs. Anita Rinesh, JCIT

सुनवाई की तारीख / Date of Hearing : 23/12/2025  
उद्घोषणा की तारीख / Date of Pronouncement: 24/12/2025

आदेश / ORDER

PER: NARINDER KUMAR, JUDICIAL MEMBER .

Assessee has preferred present appeal challenging order dated 01.07.2025, passed by Learned CIT(A), National Faceless Appeal Centre, Delhi, whereby assessment order dated 04.05.2023, relating to the assessment year 2017-18, has been upheld, while dismissing the appeal filed by the assessee.

2. Vide assessment order dated 04.05.2023, confirmed by Learned CIT(A), an addition of Rs. 76,31,100/- on account of “unexplained money” was made, while attracting provisions of Section 69A of the Income Tax Act, 1961 (hereinafter referred to as “the Act”).

Said addition came to be made, as the Assessing Officer found that the assessee had deposited a sum of Rs. 76,31,100/- in cash, in following three banks, and that the assessee had failed to furnish reply to the show cause notice issued for the purpose of assessment proceedings:-

Sr. No.	Name of the Bank	Account No.	Amount (in Rs.)
1.	The Kota Central Co-operative Bank Ltd.	27006111130014325	32,46,300/-
2.	The Kota Central Co-operative Bank Ltd.	27006111130014324	33,01,300/-
3.	State Bank of Bikaner and Jaipur	5110624330	10,83,500/-
		Total	76,31,100/-

3. Arguments heard. File perused.

### **Case of the Assessee is re-opened due to escapement of income**

4. A perusal of assessment order would reveal that initially the information available as per record was about deposit of cash to the tune of Rs. 32,46,300/- only, by the assessee in his bank account maintained

with M/s The Kota Central Co-operative Bank Limited, during the year under consideration. Since, it was found that in the case of the assessee this much income had escaped assessment. That is how, case was reopened u/s 147 of the Act.

Notices U/s 148 and 148A(d) of the Act were issued, but the assessee failed to file return or to reply the other notices including the show cause notice dated 31.03.2023.

5. As is further available from the assessment order, it subsequently transpired that during the year under consideration, the assessee was maintaining another saving bank account i.e. A/C No. 27006111130014324 with The Kota Central Co-operative Bank Limited and yet another saving bank account with State Bank of Bikaner and Jaipur i.e. A/C No. 5110624330, wherein the assessee was found to have deposited in cash a sum of Rs. 33,01,300/- and Rs. 10,83,500/- respectively.

Thus, the assessee was found to have deposited in cash, with the above named banks during the year under consideration, in total a sum of Rs. 76,31,100/-.

**Assessment Order is framed**

6. Since the assessee neither furnished any reply to the notices nor furnish any details, the Assessing Officer was of the view that the assessee had deposited the above said amounts in cash with the above named banks, but the same remain unexplained, and as such, he proceeded to make addition of the said amount to the total taxable income of the assessee.

**Assessee comes up before Learned CIT(A)**

7. As notice above, the assessee opted not to participate in the assessment proceedings, despite notices. But, he challenged the assessment order by filing an appeal on 16.10.2023.

8. Record reveals that Learned CIT(A) noticed that the appeal filed by the assessee was presented 135 days after the prescribed period of limitation, but, he condoned said delay, and proceeded to decide the appeal on merits..

**Claim of the assessee before Learned CIT(A)**

9. At page 3 of the impugned order, Learned CIT(A) has reproduced the case of the appellant, while challenging the assessment order, wherein he claimed to be an agriculturist and running a small Kirana business.

The assessee pleaded that he was having only two saving bank account i.e. one with The Kota Central Co-operative Bank Ltd. and the other with State Bank of Bikaner and Jaipur.

In other words, the assessee-appellant claimed in that appeal that he was having only one account with The Kota Central Co-operative Bank Ltd., and that he was not having any bank account with State Bank of Bikaner and Jaipur.

As regards the deposit, the assessee claimed to have made deposit in the said two accounts out of the amount withdrawn from the said accounts. It was also claimed that the cash got generated by way of income from agriculture and Kirana Business.

10. Learned CIT(A) took into consideration the plea put forth by the assessee for the first time in Form No. 35 that account No.

27006111130014324 did not belong to him, and as such deposit of Rs. 33,01,300/- in the said account was liable to excluded from his income.

11. However, Learned CIT(A) was not satisfied with the above said plea disowning the above said saving bank account No. 27006111130014324 with The Kota Central Co-operative Bank Ltd. In this regard, he observed in the impugned order that only an unverifiable photo copy of a document purported to have been issued by the bank was produced before him, in the appellate proceedings; that said document was not produced during assessment proceedings nor subjected to any independent confirmation; no customer/master print-out, KYC records or sworn statement of any Bank Officer was furnished; that said bank account was traced on the basis of PAN linkage, and that the denial by the assessee in this regard was an afterthought.

12. As regards remaining deposit of Rs. 43,29,800/-, Learned CIT held that the same also continued to be unexplained.

13. With the above said observations, Learned CIT(A) dismissed the appeal filed by the assessee.

14. Ld. AR for the appellant has put forth before this Bench only one submission that the matter may be remitted so that the appellant gets an opportunity there to establish that saving bank account No. 27006111130014324 did not belong to him, and that a sum of Rs. 33,01,300/-, said to have to be deposited in the said account deserves to be excluded from computation of total taxable income.

15. Ld. DR for the department has opposed the submission on the ground that the assessee failed to participate in the assessment proceedings despite repeated notices, and came up with the above said claim denying connection with the above said bank account, only when he challenged the assessment order by way of appeal before Learned CIT(A), and also that no explanation has been furnished by the assessee for having remained non compliant with the notices issued by the Assessing Officer.

Ld. DR also referred to the observations made by Learned CIT(A) that the account of the assessee was traced on the basis of PAN linkage, and then submitted that at this stage providing of an another opportunity to the assessee of being heard may not lead to achieving of any purpose.

16. It is true that the assessee did not participate in the assessment proceedings despite repeated notices. Admittedly, the assessee put forth his claim before Learned CIT(A) for the first time by way of grounds of appeal in Form No. 35. It is also true that the assessee-appellant did not take effective steps to discharge onus that the above said saving account No. 27006111130014324 has no connection with him.

But, in the facts and circumstances, we are of the view that Learned CIT(A) should have taken steps to enable the assessee-appellant to bring on record all the relevant material in support of his plea that he had no connection with the said bank account with The Kota Central Co-operative bank Ltd.

17. In the given situation, having regard to the seriousness of the issue involved, we deem it a fit case to afford another opportunity to the assessee-appellant to appear before Learned CIT(A) in order to establish his claim that he has no relation/concern with saving bank account No. 27006111130014324.



**Result**

18. In view of the above observations, this appeal is disposed of for statistical purpose, and the appeal before Learned CIT(A) is restored to above original number with direction for afresh decision, after providing another opportunity to the assessee-appellant of being heard.

File be consigned to the record room after the needful is done by the office.

Order pronounced in the open court on 24/12/2025.

Sd/-

Sd/-

(अन्नपूर्णा गुप्ता)  
(ANNAPURNA GUPTA )  
लेखा सदस्य / Accountant Member  
जयपुर / Jaipur  
दिनांक / Dated:- 24/12/2025

(नरेन्द्र कुमार)  
(NARINDER KUMAR)  
न्यायिक सदस्य / Judicial Member

\*Santosh

आदेश की प्रतिलिपिअग्रेषित / Copy of the order forwarded to:

1. The Appellant- Bunia Amin, Kota.
2. प्रत्यर्थी / The Respondent- ITO, Ward-2(2), Kota.
3. आयकरआयुक्त / Theld CIT
4. आयकरआयुक्त / CIT(A)
5. विभागीय प्रतिनिधि, आयकरअपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur
6. गार्डफाईल / Guard File ITA No. 1324/JPR/2025)

आदेशानुसार / By order,

सहायक पंजीकार / Asstt. Registrar