

*IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA BENCH “SMC” KOLKATA*

Before **Shri S.S, Godara, Judicial Member**

ITA No.1790-1791/Kol/2019 Assessment Years:2014-15 & 2015-16

Neha Chowdhary 295, G.T.Road, Belur, Howrah-711202 [PAN No. AFLPA 8949 J]	बनाम/ V/s.	Income Tax Officer Ward-46(3), 3, Govt. Place (West), Kolkata- 700 071
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri Manish Tiwari, FCA
प्रत्यर्थी की ओर से/By Respondent	Shri Jayanta Khanra, JCIT-SR-DR
सुनवाई की तारीख/Date of Hearing	05-02-2020
घोषणा की तारीख/Date of Pronouncement	14-02-2020

आदेश /O R D E R

These assessee's two appeal(s) for assessment years 2014-15 & 2015-16, arise against the Commissioner of Income-tax (Appeals)-14, Kolkata's separate orders; both dated 16.05.2019 passed in case Nos.CIT(A), Kolkata-14/10571/2016-17 and citia,Kolkat-14/10109/2017-18, respectively involving proceedings u/s. 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case files perused.

2. The assessee's identical sole grievance canvassed in these two appeals seeks to reverse both the lower authorities adding the alleged undisclosed income of ₹17,88,666/- and ₹16,53,772/- respectively. Learned counsel's only grievance during the course of hearing is that the assessee is a salaried person who was sold her stock holding in shares in the relevant two previous years. Mr. Tiwari also sought to emphasise that assessee has filed all necessary evidence before the lower authorities as well. The Revenue's case on the other hand is that the impugned sums have been

rightly treated as unexplained income since assessee could not prove source thereof during the course of scrutiny as well as in the lower appellate proceedings.

3. I have heard rival contentions against and in support of both the parties. It emerges that from a perusal of these case files that although the assessee has produced her documentary evidence before the lower authorities about the impugned sums to be in the nature of income derived from the sales of shares, the fact remains that her detailed explanation tendered in the course of assessment till date does not sufficiently discharge her onus on proving the source of impugned deposits. I therefore deem it appropriate in these peculiar facts and circumstances that the impugned addition(s) of ₹17,88,666/- and ₹16,53,772/- deserved to be restricted to that @ 30% only with a rider that same shall not be treated as a precedent in any other assessment year. The assessee gets part relief accordingly. Necessary computation to follow as per law.

4. These assessee's two appeals are partly allowed in above terms. ***A copy of the instant common order be placed in respective case files.***

Order pronounced in open court on 14/02/2020

Sd/-
(S.S. Godara)
Judicial Member

Kolkata,
*Dkp/Sr.PS

दिनांक:- 14/02/2020 कोलकाता

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. अपीलार्थी/Appellant-Neha Cgiwdgart, 295, G.T.Road, Belur, Howrah-711202
2. प्रत्यर्थी/Respondent-ITO Ward-46(3),3, Govt. Place (West), Kolkata-700 071
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

सहायक पंजीकार
आयकर अपीलीय अधिकरण,
कोलकाता ।