

आयकर अपीलीय अधिकरण, अहमदाबाद न्यायपीठ 'C' अहमदाबाद ।
IN THE INCOME TAX APPELLATE TRIBUNAL
"C" BENCH, AHMEDABAD

समक्ष श्रीमती अन्नपूर्णा गुप्ता, लेखा सदस्य एवं श्री टी.आर. सेन्थिल कुमार, न्यायिक सदस्य के समक्ष।
BEFORE MRS. ANNAPURNA GUPTA, ACCOUNTANT MEMBER
AND SHRI T.R. SENTHIL KUMAR, JUDICIAL MEMBER

आयकर अपील सं / ITA No. 214/Ahd/2025

निर्धारण वर्ष/Assessment Year: 2018-19

DCIT Circle 4(1)(1), Ahmedabad	बनाम Vs.	United Tech Ventures Pvt Ltd., 605, Samedh Complex, Nr. Associated Petrol Pump, C.G. Road, Ahmedabad-380006 [PAN : AABCU 0357 N]
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अपीलार्थी/ (Appellant)	प्रत्यर्थी/ (Respondent)
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निर्धारिती की ओर से / Assessee by :	Shri Vihar Soni, AR
प्रत्यर्थी की ओर से / Revenue by :	Shri Rignesh Das, CIT-DR

सुनवाई की तारीख/Date of Hearing : 08.05.2025

घोषणा की तारीख /Date of Pronouncement: 22.07.2025

आदेश/ORDER

PER T.R. SENTHIL KUMAR, JUDICIAL MEMBER :

This appeal is filed by the Revenue as against the appellate order dated 07.11.2024 passed by the Commissioner of Income-Tax (Appeals), National Faceless Appeal Centre, Delhi (hereinafter referred to as the "CIT(A)"), arising out of the reassessment order passed under section 147 r.w.s. 144B of the Income-tax Act, 1961 (hereinafter referred to as the "the Act" in short), relating to the Assessment Year (AY) 2018-19.

2. The brief facts of the case are that the assessee, a Private Limited Company, filed its original return of income for AY 2018-19 on 01.10.2018, declaring Rs. Nil income and claimed current year loss of Rs.6,36,309/-. The assessee also filed a revised return claiming current year loss of Rs.19,34,006/-. The returns were processed under regular assessment under Section 143(3), and the order was passed on 08.03.2021, accepting the returned loss. Thereafter, the assessment was re-opened on account of accommodation entry of Rs.1.5 crores received from Dishman Group. Hence, a show cause notice u/s 148A(b) of the Act was issued to the

assessee on 08.03.2022. In response, vide letter dated 15.03.2022, the assessee explained that no unsecured loan/accommodation entry of Rs.1.5 crores was received from Dishman Group as mentioned by the Assessing Officer; whereas the assessee has given a loan of Rs.1.5 crores to M/s. United Polyfab Gujarat Limited which is duly recorded in the books of accounts. Copy of ledger account and bank statements were also produced before the Assessing Officer. However, the Assessing Officer was not satisfied with the reply filed by the assessee. He accordingly proceeded with re-assessment and made addition of Rs.1.5 crores as unexplained cash credit u/s 68 of the Act and demanded tax thereon.

3. Aggrieved by the reassessment order, the assessee filed an appeal before the Ld. CIT(A). The assessee filed detailed written submission that it had advanced loan of Rs.1.5 crores to M/s. United Polyfab Gujarat Limited and had not obtained any loan from Dishman Group company on 14.06.2017 as alleged by the Assessing Officer, NFAC.

3.1 The assessee had also produced signed confirmation from Mr. Saurabh Nahta and Mr. Inderchand Nahta who provided loan of Rs.75 lakhs each to the assessee-company which was in-turn given as unsecured loan to M/s. United Polyfab Gujarat Limited. Copy of the acknowledgement of return of income filed by them and copy of their bank statements filed before the Ld. CIT(A). The Ld. CIT(A) called for a remand report on 20.08.2024 from the Assessing Officer on the additional evidences filed by the assessee and a reminder was also sent in this regard on 06.09.2024. However, the Assessing Officer neither responded to it nor submitted the remand report. Therefore, the Ld. CIT(A) considered the additional evidences filed by the assessee and held that Rs.1.5 cores was given by the assessee as unsecured loan to M/s. United Polyfab Gujarat Limited which is duly reflected in the bank statement of the assessee. The Ld. CIT(A), therefore, deleted the said addition, which was made by the Assessing Officer on the basis of Investigation Report without proper verification of the details furnished by the assessee.

4. Aggrieved by the order of the Ld. CIT(A), the Revenue is now in appeal before the us raising following grounds of appeal:-

“(a) The Ld. CIT(A) has erred in law and on facts in deleting the addition of Rs 1,50,00,000/- made by AO on account of accommodation entry from M/s. United Polyfab Gujarat Ltd (part of Dishman Group) treated as unexplained cash credit u/s 68 of the Act without appreciating the fact that the assessee company has availed accommodation entry of Rs. 1.50 Crores from Dishman Group emerged from the search & seizure operation u/s. 132 of the IT Act in the case of Dishman Group. Further, During the course of assessment proceedings, the assessee has not submitted supporting evidences i.e. ITR, Audited P&L, 3CD and relevant extract of bank account statement of United Polyfab Gujarat Ltd and has not submitted signed ledger confirmation by the Authorized Signatory of United Polyfab Gujarat Ltd to establish the genuineness of transaction.

(b) The Ld. CIT(A) has erred by focusing solely on the technicality of the debit versus credit argument without considering the lack of substantive evidence.

5. Heard rival submissions and perused the material available on record. It is seen from the assessment order that the assessee made it clear that it has not received unsecured loan either from Dishman Group or from anyone else; whereas it had given unsecured loan of Rs.1.5 crores to M/s. United Polyfab Gujarat Limited and produced the confirmation accounts before the Assessing Officer. However, the same was not accepted since contra-signatures were not there in the confirmation of accounts. During the appellate proceedings, the assessee has also produced the source for giving this loan to M/s. United Polyfab Gujarat Limited. The Ld. CIT(A) called for a remand report from the Assessing Officer as well as sent reminder; whereas the Assessing Officer has not furnished any details thereof. The Ld. CIT(A), therefore, deleted the addition by observing as follows:-

“7. I have perused the assessment order, grounds of appeal, statement of facts and detailed written submission filed by the appellant along with additional evidences. It is noticed from those facts submitted by the appellant company that, a sum of Rs. 1,50,00,000/- was only debited into the bank account against United Polyfab Gujarat Limited and not credited into the bank account. If the sum was not credited into the bank account, section 68 of the IT Act cannot be invoked. The appellant has given sufficient information to the AO during the course

of assessment proceedings. However, the AO concluded the assessment only on the basis of report received from the Investigation Unit without carrying out any independent verification. It is for this reason, all the details submitted by the appellant during the course of appeal proceedings were forwarded to the AO and he was asked to carry out necessary verification. However, during the course of remand proceedings also, no such verification was carried out by the AO. In view of the above, the grounds of appeal filed by the appellant is allowed.”

6. The Ld. CIT(A) deleted the above addition after verification of the additional evidence/documents filed by the assessee in the absence of remand report from the Assessing Officer. The CIT(A) has co-terminus power as that of the Assessing Officer. We, therefore, find no infirmity in the order passed by the Ld. CIT(A). Further, the Revenue could not place on record, how the order passed by the CIT(A) is erroneous. Thus, the ground raised by the Revenue is devoid of merit and is liable to be dismissed.

7. In the result, the appeal filed by the Revenue is hereby dismissed.

Order pronounced in the open Court on 22/07/2025 at Ahmedabad.

Sd/-

(ANNAPURNA GUPTA)
ACCOUNTANT MEMBER
(अन्नपूर्णा गुप्ता, लेखा सदस्य)

Ahmedabad; Dated 22/07/2025

bt

Sd/-

(T.R. SENTHIL KUMAR)
JUDICIAL MEMBER
(टी.आर. सेन्थिल कुमार, न्यायिक सदस्य)

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order forwarded to :

1. □ पीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (□ पील)/ The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर □ पीलीय □ धिकरण ,/DR,ITAT, Ahmedabad,
6. गार्ड फाईल /Guard file.

आदेशानुसार/ BY ORDER,

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सहायक पंजीकार (Asstt. Registrar)
आयकर □ पीलीय □ धिकरण
ITAT, Ahmedabad