IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

I.T.A.No. 76 of 2015

AGAINST THE ORDER IN ITA 288/2014 of I.T.A.TRIBUNAL,COCHIN BENCH DATED 12-12-2014

APPELLANT/ASSESSEE:

K.P.DAMODARAN NAIR
35/1872, SABARI, SOUTH JANATHA ROAD
PALARIVATTOM, KOCHI-682 025

BY ADVS.SRI.MOHAN PULIKKAL
SRI.R.SUDHIR
SMT.MANJU RAJAN
SRI.P.P.NARAYANAN
SRI.K.S.MENON (K)

RESPONDENT/REVENUE:

THE INCOME TAX OFFICER
WARD 2(2), ERNAKULAM 682 018

R BY SRI.K.M.V.PANDALAI, INCOME TAX DEPARTMENT

THIS INCOME TAX APPEAL HAVING COME UP FOR ADMISSION ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A: TRUE COPY OF THE ORDER DATED 31/3/2014 OF THE COMMISSIONER OF INCOME TAX (APPEALS)

ANNEXURE B: COPY OF THE ORDER DATED 31/3/2014 OF THE COMMISSIONER OF INCOME TAX (APPEALS)

ANNEXURE C: COPY OF THE ORDER DATED 12.12.2014 OF THE INCOME TAX APPELLATE TRIBUNAL.

ANNEXURE D: TRUE COPY OF THE LETTER DATED 28.12.2009 ADDRESSED BY THE APPELLANT TO THE ASSESSING OFFICER.

ANNEXURE E: TRUE COPIES OF THE CONFIRMATION LETTER DATED 24.12.2009 AND THE STATEMENT OF BANK ACCOUNT WITH CANARA BANK.

ANNEXURE F: TRUE COPIES OF THE CONFIRMATION LETTER DATED 1.5.2O06 AND THE STATEMENT OF ACCOUNT WITH PUNJAB NATIONAL BANK.

ANNEXURE G: TRUE COPIES OF THE CERTIFICATE DATED 13/11/2009 AND CONFIRMATION LETTER DATED 22/2/2009 FROM C.G.SREELATHA.

ANNEXURE H: TRUE COPY OF THE CONFIRMATION LETTER DATED 14.12.2007 FROM K.P.GANGADHARAN NAIR.

ANNEXURE I: TRUE COPIES OF THE CERTIFICATE DATED 1.12.2009 ISSUED BY SYNDICATE BANK AND CHEQUES DATED 5.3.2007.

ANNEXURE J: TRUE COPY OF THE SWORN STATEMENT DATED 15.12.2009 FROM THE APPELLANT.

// TRUE COPY //

P.A. TO JUDGE

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

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I.T.A.No.76 of 2015

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Dated this the 3rd day of June, 2015

JUDGMENT

Shaji P.Chaly, J.

This appeal is preferred against the order of the Income Tax Appellate Tribunal, Cochin Bench in I.T.A.No.288/14 dated 12.12.2014 pertaining to the assessment year 2007-2008, by which the learned Appellate Tribunal has partly confirmed the order of the 1st Appellate Authority, which confirmed the order of the assessing authority making addition of an amount of Rs.2,59,330/-.

2. Brief facts are thus: After processing the return under Section 143 (1) of the I.T.Act, the case was selected for scrutiny under Section 142(2) and the Assessing Officer made various additions being credits found in the bank account of the appellant, which all, except one credit, were by bank transfers.

3. Even though the Assessing Authority provided sufficient opportunity, appellant did not produce satisfactory evidence so as to substantiate the claims made by him before the Assessing Authority

against inclusion of the amounts proposed by the income tax officer and thereupon the assessment was finalised as proposed. The 1st appellate authority also confirmed the order of the assessing authority.

4. Heard the counsel for the appellant and the Revenue.

5. The grievance of the appellant herein is that both the Appellate Authorities confirmed the additions made by the Assessing Officer, without appreciating the case put forth by the appellant in a proper and legal manner.

6. The learned Appellate Tribunal, after considering all the contentions raised by the appellant, came to a categoric conclusion that the appellant could not explain the inflow into his bank account from various sources and therefore the factual findings with regard to the additions made by the Assessing Authority cannot be interfered with by it, except one addition made by the Assessing Authority against diversion of amounts for non-business considerations which was found in favour of the appellant in paragraphs 16 and 17 of the order of the Appellate Tribunal.

7. We have considered the questions of law raised in the appeal memorandum, contentions put forth by the counsel for the appellant and materials on record and we are satisfied that no grounds have been made out for our interference in the order of the appellate Tribunal invoking the jurisdiction conferred on us under Section 260(A) of the I.T.Act.

Therefore, the appeal fails and accordingly dismissed.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
SHAJI P. CHALY
JUDGE

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