IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Tax Case Appeal No.88 of 2014

Shri S.Krishna Kumar,
No.6, East Spurtank Road,
Chetpet, Chennai 600 031
PAN:AFDPK 4054N ..Appellant/Appellant

/versus/

The Income Tax Officer,
Business Ward XV(4),
Income Tax Department,
Chennai 600 034. .. Respondent/Respondent

Tax Case Appeal has been filed under Section 260A of the Income Tax Act, 1961 to frame the Substantial Questions of Law referred to above and answer the same in favour of the appellant. The appellant prays that the appeal be allowed in their favour with costs.

For Appellant :Mr.A.S.Sriraman

For Respondent :Mrs.V.Pushpa, Senior Standing Counsel

JUDGMENT

(Judgment was delivered by Dr.G.Jayachandran,J.)

Tax Case Appeal has been filed by the assessee, being aggrieved by the order passed by the Tribunal holding that he has taken an inconsistent plea before the Assessing Authority and thereafter, before the Appellate Authority in explaining the cash deposit in the bank account and further has held that no records to substantiate the reason for the cash deposit in the bank account were provided by the assessee. After the order of dismissal of the appeal, the Assessee has taken out Miscellaneous Petition to consider the bank statement produced by him in respect of the account maintained by him in the Indian Overseas Bank and Kotak Mahindra Bank, which has not been considered by the Tribunal while dismissing the appeal on 11.09.2013. However, the Tribunal had dismissed the Miscellaneous Petition holding that it is in the nature of a review of the earlier order and Section 254(2) of the Income Tax Act, 1961 does not empower the Tribunal to review its earlier order.

2. A short point involved in this Appeal is that the investment alleged to have been made by the Assessee in the two bank deposit has been properly accounted or not for payment of tax.

3. In the said circumstances, the Assessee had produced the bank statement with explanation before the Tribunal which has not been discussed in the main order passed on 11.09.2013. Therefore, he has taken out the miscellaneous petition for considering the bank account and the explanation and to pass a speaking order. However, the Tribunal had considered the review application and rejected it holding that the alternate statement raised before the Bench cannot be appreciated.

4. In view of this Court, the core issue in this matter is the deposit made by the Assessee in the Indian Overseas Bank and Kotak Mahindra bank. Therefore, any explanation given by the assessee for the said deposits ought to have been considered and a speaking order should have been passed by the Tribunal. Unfortunately, we find no such discussion in the order of the Tribunal passed on 11.09.2013. Hence, we set aside the order passed by the Tribunal dated 11.09.2013 and remand the matter back for considering the bank accounts and the explanation of the Assessee in respect of the doubtful credits and to pass a speaking order on it. Accordingly, this Tax Case Appeal is disposed of. No costs.

(Dr.G.JAYACHANDRAN,J.) **(SHAMIM AHMED,J.)**

17.03.2026

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Index:yes/no
Neutral citation:yes/no

Dr.G. JAYACHANDRAN,J.
AND
SHAMIM AHMED,J.

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