



To,
The Commissioner/Income Tax Appeals
New Delhi

Subject: Submissions with respect to the Appeal filed against the Assessment Order (AY) dated /./.

Reference: Mr. ABC
PAN: AAAAAAA
Assessment Year (AY) _____
Appeal No.: CIT (A), Delhi

Dear Sir,

That with respect to the pending Appeal Proceedings, the Appellant hereby most respectfully submit as under:

1. That the Appellant is an ordinary and simple woman, engaged in a home based business, operating at a very small scale and thereby earning basic requirements of life. Please note that, the Appellant is a law abiding citizen, as she has rightly furnished the ITRs (Income Tax Returns) and in due course remitted the necessary taxes.
2. That the Appellant was surprised at the receipt of a Notice issued by the Income Tax Department u/s 143(2) of the Income Tax Act, 1961 (**“the Act”**) on date _____, since

the Appellant had been regularly discharging the legitimate taxes in accordance to the relevant provisions of the Act. Moreover, the Appellant had a flawless track record, as the Appellant was only generating a limited amount of income and the same was disclosed yearly before the Income Tax Department. It is humbly submitted that, proceedings were initiated u/s 153C of the Act and in furtherance to that, on date. _____, a Notice was issued u/s 142(1) of the Act, inquiring about certain details and the same was duly responded within couple of days. The same can be validated by the attached acknowledgment “Annexure-1”.

3. That the Appellant was utterly shocked on the reception of Notices issued u/s 142(1), dated _____, whereby it was falsely alleged that, the Appellant had made unauthorized payments to an unknown person named Mr._____. It is relevant to mention that, as per the contents of the aforesaid Notices, a search and seizure action was conducted at the premises of _____, in consequences of that action, an incriminating document was found against the Appellant, reflecting alleged cash payments to the tune of INR_____ for purchase of a property. It is humbly submitted that, the document was only a rough paper in the form of a digital image. **As a matter of fact, the predominant evidence in the present case is merely a piece of paper (a form of digital image) recovered from the mobile phone of an unknown person i.e. Sh. _____ . It is relevant to mention that, neither the Appellant had signed the said piece of paper nor the Appellant had inscribed the contents mentioned on that sheet.** The notices were also responded within a suitable timeframe. The same can be acknowledged by “Annexure-2”. Moreover, the property in question was situated

at _____, _____ and it was purchased for a sum of INR _____.

The said fact could be proven by attached sale deed marked as “Annexure-3”.

4. Kindly note that, despite of furnishing sufficient replies before the office of the Learned Assessing Officer, on date _____, an Assessment Order was passed u/s 153C rws 143(3) of the Act, against the Appellant and thereby a wrongful addition of INR _____ was made in pursuance of Section 69 of the Act and thereby an illegitimate demand of INR _____ was raised against the Appellant. **In this regard, it is most pertinent to mention that, the Learned Assessing Officer in the instant case has made a hefty addition, only on the basis of a rough sheet of paper, regrettably the stance on the part of Learned Assessing Officer certainly defies the boundaries of rationality. It is most humbly submitted that, a standalone piece of paper without any other supporting material, under normal course of circumstances is not conclusive enough to make a massive addition of INR _____.** Therefore, the Assessment Order passed in the existing case was totally against the principals of Natural Justice, as the addition was solely made on the ignorant assumption of the Learned Assessing Officer. The said document has been attached below for your quick perusal.

5. That on examination of the above-stated document, it could be clearly ascertained that, neither the Appellant had signed the piece of paper nor the Appellant had inscribed the contents mentioned on that sheet. **It is imperative to mention that, the document in question does not even bear a single important detail of the Appellant, for instance (i) PAN Details, (ii) Aadhaar Details, (iii) Phone number, (iv) Voter ID Details, (v) Passport Details etc. Therefore, the present document is not substantive enough to be associated with the Appellant, since it does not carry any relevant particular(s) which could be affiliated with the Appellant.** Furthermore, on the perusal of the image, it could not be established whether the signature belongs to Mr. _____ or any other person.

The Mumbai ITAT in case of **D.A. Patel v. Dy. CIT [2000] 72 ITD 340** held that, simply because a sheet of paper was found during the search at the premises of an assessee, he could not be saddled with a tax liability unless it could conceivably be related to the assessee in some reasonable manner. On the similar lines, the Mumbai ITAT in case of **Amarjit Singh Bakshi (HUF) V. Asst. CIT [2003] 86 ITD 13 (Delhi) (TM)** held that, any noting in the loose sheet is no evidence by itself. An entry in the books of account maintained in the regular course of business is relevant for purposes of considering the nature and impact of a transaction, but noting on slips of paper or loose sheets of paper cannot fall in this category.

6. As it is famously pronounced that, “**Let hundred guilty be acquitted but one innocent should not be convicted**”. In this regard, it is most respectfully prayed before your kind office to delete the unfair additions made by the Learned Assessing Officer, since no unaccounted payments were made by the Appellant during the year under consideration. It is further submitted that, in consonance with “**Suprema lex salus populi**” which depicts that, “**The welfare of the people is the supreme law**”, the Appellant humbly adjure before your kind office to grant justice in the present matter, as the Appellant is totally unaware to the allegations made by the Learned Assessing Officer. Moreover, no concrete document(s) was submitted by the office of the Learned Assessing Officer to substantiate the addition of INR_____.

The Ground Wise Submissions

Ground No.1

Issue: The facts of the case were not properly considered.

Ground: That the Assessment Order passed by Assessing Officer u/s 143(3) of the Income Tax Act, 1961 rws 153C of the Act is incorrect, bad in law and have been passed without properly and judicially considering the facts of the case. That the additions made by the Assessing Officer are illegal, unjust and unlawful.

Response: At the outset, it is submitted that, in accordance to the previously issued Notices, the search and seizure action was conducted at the premises of _____ Group. **However,**

the Appellant holds no direct or indirect relation with the said entity. Please note that, the property in question was purchased from M/s _____ and Shri. _____ for a total consideration of INR _____ vide a registered sale deed dated _____. The details of the payment made by the Appellant is duly recorded in the sale deed itself. Furthermore, the entire payments were made through the route of banking channels and TDS of INR _____ was also deducted on the consideration. It is submitted that, Appellant had not paid any sum over and above the sale consideration recorded in the sale deed.

It is imperative to mention that, from the perusal of the sale deed, it could be ascertained that, the value of property, as per circle rate was only INR _____ whereas the sale consideration as recorded in the sale deed was INR _____, which was well above the circle rate. It is relevant to submit that, property was purchased during the COVID-19 situation prevailing in the Country.

Further, the Appellant is also furnishing the sale instances, showing that properties purchased in the vicinity, around the same period was purchased at the similar value. The details of the sale instances are as under:

The same could be duly confirmed through the attached “Annexure-4”.

S.No.	Description of the property	Sale consideration	Date of sale deed
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1.	Delhi (Entire Built-up third floor with roof rights) Plot Size: _____ Sq. Mtrs	INR _____	_____
2.	Delhi (Entire Built-up third floor with roof rights) Plot Size: _____ Sq. Mtrs	INR _____	_____ - _____ - _____
3.	Delhi (Entire Built-up second floor) Plot Size: _____ - Sq. Mtrs	INR _____	_____

As a matter of fact, it is most relevant to mention that, the Learned Assessing Officer is himself accepting the insufficiency of the documents in the immediate case through the Assessment Order. It is an evident fact that, addition was solely based upon conjecture and surmises. The same could be easily proven by the attached screenshot of the Assessment Order.

The screenshot pertains to the Page _____ of the Assessment Order, whereby it is clearly mentioned that, the sufficiency of documents is not practically possible. Therefore, the addition made by the Learned Assessing Officer was a result of mere guess work. Furthermore, the Learned Assessing Officer has himself used the words “**Probable**” and “**Recommend**”, which clearly depicts that, even the Learned Assessing Officer was not sure about the allegations made against the Appellant.

On further perusal of the impugned Assessment Order, it clearly appears that, only on the basis of certain generic observations, the Learned Assessing Officer made massive addition in the hands of the Appellant. For instance, as per the field inquiry, it was only casually found that, cash component was involved in the area of the property under consideration, since no explanations were offered by the Learned Assessing Officer to substantiate the aforesaid fact. Moreover, the Learned Assessing Officer made a vague inter-relation amongst certain persons based on an absurd analogy and very nonsensically established the veracity of the document in question.

Ground No.2

Issue: No proper opportunity of being heard is given to the Appellant.

Ground: That the Assessing Officer has erred in law and on the facts in not affording a proper opportunity to the Appellant of being heard. The assessment order passed is against the principle of natural justice.

Response: It is humbly submitted that, the Appellant had not entered into any transaction with Mr. _____ nor the Appellant was aware about him. Infact, Mr. _____ had no connection with the property purchased by the Appellant, as

neither he was the owner of the property nor he was the seller. It is further submitted that, the alleged document was not signed by the Appellant but it had been signed by Mr. _____ itself. Further, from the perusal of the scanned page, it would be seen that such page had been signed by Mr. _____, who signed the page as an executant. However, in accordance to the sale deed, it could be observed that, he had no connection with the property. **It is submitted that, since the document was found from the third person and not from the Appellant as such, unless any corroborative material is brought on record no inference could be drawn purely on the basis of such document.**

It may be appreciated that, the proceeding in the case of the Appellant has been initiated u/s 153C of the Act, as such, burden is on the revenue to bring the corroborative material in support of the allegation. It is submitted that, despite the detailed submissions made by the Appellant, no corroborative material had been brought on record, for justifying the massive addition of INR _____. Therefore, the Assessment Order passed in the instant case was against the principles of Natural Justice, as the Learned Assessing Officer did not consider the submissions made by the Appellant and the Order was based solely upon his ignorant assumption.

It is imperative to mention that, the document in question does not bear a single important detail of the Appellant, for instance (i) PAN Details, (ii) Aadhaar Details, (iii) Phone number, (iv) Voter ID Details, (v) Passport Details etc. Therefore, the present document is not substantive enough to be associated with the Appellant, since it does not carry any relevant particular(s) which could be affiliated with the Appellant. However, the office of the Learned Assessing Officer completely disregarded the existing material / facts and recklessly made an addition in the hands of the Appellant.

Furthermore, in strict compliance to Section 153C of the Act, the Assessing Officer was under an obligation to hand-over a “Satisfaction Note” to the Appellant, stipulating the incriminating material recovered from the search premises. However, no such “Satisfaction Note” was ever delivered to the Appellant.

In the matter of **Manish Maheshwari vs Asstt. Commissioner of Income Tax SLP (Civil) No. 9751 of 2005**, it was held that,

“As the Assessing Officer has not recorded its satisfaction, which is mandatory nor has it transferred the case to the Assessing Officer having jurisdiction over the matter, we are of the opinion that the impugned judgments of the High Court cannot be sustained, which are set aside accordingly. The appeals are allowed. However, in the facts and circumstances of the case, there shall be no order as to costs.”

Moreover, if the above-stated document (a digital image) was recovered from the mobile phone of Mr. _____, **the Learned Assessing Officer was legally bound to provide certain essential particulars to uphold the authenticity of the document in question, for example (i) The Model of Mobile Phone, (ii) The Serial Number of Mobile Phone, (iii) The Name of Digital Image etc. However, the Learned Assessing failed to furnish the Source-Path of the above-mentioned image in question. Therefore, it is unfeasible to accept the fact that, the aforesaid image was traced from the mobile phone of Mr. _____.**

In this regard, it is most pertinent to mention that, in strict adherence to the fundamentals of the Natural Justice, the authority-in-charge was bound to furnish exact Source-Path of the image in question. However, the same was not disclosed to the Appellant, thereby the image presented by the office of the Learned Assessing Officer appears to be concocted.

Ground No.3

Issue: Material available on record have not been properly considered and judicially interpreted.

Ground: That the material placed on record have not been properly considered and judicially interpreted and the same do not justify the demand raised.

Response: During the course of Assessment Proceedings, the Appellant made numerous submissions before the office of the Learned Assessing Officer, substantiating her innocence in the present case. However, the same was totally ignored by the Learned Assessing Officer, without properly appreciating the fact that, a single piece of paper under normal circumstances is not self-sufficient to make a massive addition of INR _____.

As a matter of fact, the predominant evidence in the present case is merely a piece of paper (a form of digital image) recovered from the mobile phone of an unknown person i.e. _____ . It is relevant to mention that, neither the Appellant had signed the said piece of paper nor the Appellant had inscribed the contents mentioned on that sheet.

The Calcutta Bench of ITAT in case of **T.S Venkatesan vs. Asstt. CIT [2000] 74 ITD 298 (Cal.)** held that, in absence of corroborative evidence, addition of undisclosed income could

not be made simply on the basis of entries on loose papers recovered from the residence of a third party and certain general statements of said property. In the matter of **K.P Varghese vs. ITO [1981] 24 CTR (SC)**, it was held that, the fictional receipt cannot be deemed to be a receipt in the absence of any cogent material to support the factum of actual receipt. In **Ashwini Kumar vs. ITO 39 ITD 183 (Delhi)** held that, in the case of dumb document, revenue should collect necessary evidence to prove that figures represent incomes earned by the assessee.

One of the most crucial factor of the present case is an alleged “*Agreement to Sell*”, since the same was not disclosed during the entire Assessment Proceedings on the part of the Learned Assessing Officer, nonetheless the alleged document was dispatched as an absolute shocker to the Appellant, only with the Assessment Order. It was an error apparent on the part of the Learned Assessing Officer, since it is the duty of the Learned Assessing Officer to deliver the complete set of tangible material during the course of the proceedings itself. Therefore, the Learned Assessing Officer failed to prudently exercise its power conferred on him by the relevant provisions of the Income Tax Act, 1961. Moreover, this incident depicts the arbitrary use of power by the Learned Assessing Officer. Where the material relied upon is not enclosed in show cause notice, there is no sufficient opportunity granted to the Appellant. In the matter of **Appropriate Authority vs. Vijay Kumar Sharma (2001) 249 ITR 554 (SC)**, it was held, the Principles of Natural Justice are so fundamental that, it is not to be construed as a mere formality.

It is further significant to mention that, the image attached prevalent to the “*Agreement to Sell*”, is terribly obscure and indefinite, the alleged “*Agreement to Sell*” cannot be admitted as a tangible material under normal circumstances, since it is extremely difficult

to pursue the contents of the alleged document. Furthermore, if the “Agreement to Sell” was a digital image, thereby the Learned Assessing Officer was under obligation to mention the exact Source-Path. However, the same was not conveyed to the Appellant during the course of Assessment Proceedings. Therefore, the “Agreement to Sell” in question cannot be admitted for making any allegations.

Moreover, a paper cutting was also addressed in the impugned Assessment Order, whereby only certain calculations were reflected. However, the said piece of paper neither encompassed name/details of the Assessee nor the name/details of the seller. Henceforth, the same is merely a dumb document and under no circumstances shall be admitted in the Court of Law.

As a matter of fact, the Assessment Proceedings had already deprived a common man of “**Right to Life**” via imposing unfair and unjust addition, without in possession of concrete evidence, specifically highlighting the significant details of the Appellant. Therefore, the addition made in the hands of the Appellant had certainly breached the “**Fundamental Rights**”.

Ground No.4

Issue: Addition of INR. _____ u/s 143 (3) on account of unexplained investment made under section 69 of the of the IT Act, 1961.

Ground: That in view of the facts and circumstances of the case. The addition of Rs. _____ made u/s 143 (3) rws 153C of the Act, on account of unexplained investment to the total income

u/s 69 of the IT Act, 1961 is illegal and bad in law. The AO wrongly made such addition without considering the facts and circumstance of the case.

Response: The property under consideration was purchased from M/s _____ and _____ for a total consideration of INR _____ vide a registered sale deed dated _____. The details of the payment made by the Appellant is duly recorded in the sale deed itself. Furthermore, the entire payments were made through the route of banking channels and TDS of INR _____ was also deducted on the consideration. It is submitted that, Appellant had not paid any sum over and above the sale consideration recorded in the sale deed.

It is further stated that, “**Lex rejicit superflua, pugnata, incongrua**” which states, “**the law rejects superfluous, contradictory and incongruous things**”, as there is not conclusive document(s) against the Appellant, thereby purely in the Interests of Justice, the Appellant should be rightly acquitted at the earliest. It is further submitted that, in accordance to “**Lex non deficere potest in justitia exhibenda**” which states that, “**The law cannot fail in dispensing justice**”, no liability should be conferred against the Appellant, as the document in consideration is not capable in itself to impose a massive addition in Lakhs, otherwise the same would be in contravention to the rights of a common citizen.

As a matter of fact, the Appellant needs to confirm the status of searched parties under consideration, whether any addition has been made in the hands of the concerned parties, since the primary liability reside with those persons/entities itself. Moreover, without assuming any liability, if the any particular party had commented on the righteous of the Assessee, accordingly the Assessee shall be granted with an opportunity of cross-examination to

determine the correct facts of the case. On contrary, if no such document/material is available on record, the Assessee should be discharged with an immediate effect.

Ground No.5

Issue: Addition made are based on mere surmises and conjunctures and the same cannot be justified.

Ground: That the addition made are based on mere surmises and conjunctures and the same cannot be justified.

Response: The proceeding in the case of the Appellant has been initiated u/s 153C of the Act, as such, burden is on the revenue to bring the corroborative material in support of the allegation. It is submitted that, despite the submissions made by the Appellant, no corroborative material had been brought on record.

➤ **37 ITR 151(SC) Omar Salay Mohammad Sait v CIT**

The conclusions reached by the Tribunal should not be coloured by any irrelevant considerations or matters of prejudice and if there are any circumstances which required to be explained by the assessee, the assessee should be given an opportunity of doing so. On no account whatever should the Tribunal base its findings on suspicious, conjectures or surmises nor should it act on no evidence at all or on improper rejection of material and relevant evidence or partly on evidence and partly on suspicions, conjectures or surmises and if it does anything of the sort, its findings, even though on questions of fact, will be liable to be set aside by this Court.

➤ **26 ITR 736 (SC) Dhirajlal Girdharilal v CIT, Bombay**

When a Court of fact acts on material, partly relevant and partly irrelevant, it is impossible to say to what extent the mind of the Court was affected by the irrelevant material used by it in arriving at its finding. Such a finding is vitiated because of the use of inadmissible material

➤ **37 ITR 288 (SC) Lal Chand Bhagat Ambica Ram v CIT**

The Tribunal in arriving at the conclusion it did in the present case indulged in suspicions, conjectures and surmises and acted without any evidence or upon a view of the facts which could not reasonably be entertained or the facts found were such that no person acting judicially and properly instructed as to the relevant law could have found, or the finding was, in other words, perverse and the Court is entitled to interfere.

Kindly note that, the addition in the present case was only made in furtherance to the sheer guess work of the Learned Assessing Officer. However, for making an addition of INR _____ it is the fundamental duty of an officer-in-charge to provide complete set of documents, as the quantum involved is a staggering amount for a common citizen and same should not be made merely on presumptions of the officer-in-charge.

Ground No.6

Issue: AO has erred in not following the judgments delivered by various courts in favour of the assessee.

Ground: That the AO has erred in not following the judgments delivered by various courts in favor of the assessee.

Response: The various case laws to support the contentions of the Appellant.

- The Hon'ble Punjab and Haryana High Court in case of **CIT v. Atam Valves (P.) Ltd. [2009] 184 Taxman 6** dismissed the Revenue's Appeal and held that, no substantial question of law arose out of the Order of the Tribunal. In this case, a survey was conducted u/s 133A and certain incriminating documents were found including a "Slip Pad" containing payment of wages to various persons. The slips were written by Manoj Jain, an employee of the assessee, who was confronted with the slips, apart from questioning of the Director. It was held by the Tribunal that even though explanation of the assessee that, the loose papers did not relate to payment of wages during the year in question may not be accepted, in absence of any other material, the loose sheets by itself were not enough to make addition as per estimate of the A.O. It was observed by the Tribunal (as quoted)

"Now the question is regarding estimating the income on the basis of these loose slips. In our opinion, the Assessing Officer is not justified in estimating the sales on the basis of loose slips without substantiating that the assessee has actually made the sales to that extent of estimation made by the Assessing Officer and having no idea of evidence in

the form of sale bills or bank account or movable and immovable property which represent earning of unaccounted income by the assessee. As such, the Id. CT (A) to that extent is justified in holding that estimation of sales on the basis of loose slips represented payment of wages is not possible."

- In the case of **Addl. ITO v. T. Mudduveerappa Sons [1993] 45 TD 12 (Bang.)**, the Bangalore Bench of ITAT held that in absence of any external evidence, addition cannot be resorted only on the basis of loose papers. The department had not brought on record any evidence to prove conclusively that, the seized documents contained details of secreted profits which were chargeable to tax. No doubt, the seized papers contained statement in figures of what appeared to be the financial results of certain unnamed transactions but there was nothing either in law or in logic to warrant the conclusion that, the figures denoted secreted profits which were chargeable to tax. The details of distribution contained in the seized papers did not by themselves present a preponderance of probabilities so as to support department's case that what was distributed was taxable income.

- In **Asstt. CIT v. Karodilal Agarwal [1994] 50 TTJ (Jab.) 393**, a diary seized during search contained certain jottings. The Tribunal held that the jottings in diary neither represented books of account nor any document and, therefore presumption under section 132(4A) was not available and the addition made on the basis of the said jottings was deleted.

- In the case of **M.V. Mathew v. ITO [(1993) 46 TTJ (Coch.) 353]**, unaccounted sum found noted in a diary and the assessee claimed that the same represented deposits from certain parties. The parties denied having deposited the amount. The Assessing Officer treated the amount as advance made by the assessee and addition on that account was made. In the absence of clinching evidence to show that the impugned sum was advanced the amount was treated as deposited and the addition made was deleted.

- In **ITO V W.D. Estate (P.) Ltd. [1993] 45 TD 473 (Bom.)**, the Assessing officer made addition on the basis of a file, a table diary belonging to a disgruntled employee found during search at his premises. This showed sales and sale amounts allegedly received as "on" money by the assessee. However, there was absolutely no evidence to show that the assessee in fact received "no" money payments. The assessee contended that such additions were based on hearsay evidence.

- The Mumbai ITAT in case of **ITO v. Kranti Impex (P.). Ltd. [IT Appeal No. 1229 (Mum.) of 2013, dated 28-2-2018]** held that since the impugned seized papers are undated, have no acceptable narration and do not bear the signature of the assessee or any other party, they are in the nature of dumb documents having no evidentiary value and cannot be taken as a sole basis for determination of undisclosed income of the assessee. When dumb documents like the present loose sheets of papers are recovered and the Revenue wants to make use of it, the onus rests on the Revenue to collect cogent evidence to corroborate the noting therein. The Revenue has failed to corroborate the noting by bringing some cogent material on record to prove conclusively that the noting in the seized papers reveal the unaccounted on money receipts of the assessee. Further, no circumstantial evidence in the form of any unaccounted cash, jewellery or

investments outside the books of account was found in course of search in the case of assessee. Thus, the impugned addition was made by the Learned Assessing Officer on grossly inadequate material or rather no material at all and as such, deserves to be deleted. Hence, we are of the view that an assessment carried out in pursuance of search, no addition can be made simply on the basis of uncorroborated noting in loose papers found during search because the addition on account of alleged on-money receipts made simply on the basis of uncorroborated noting and scribbling on loose sheets of papers made by some unidentified person and having no evidentiary value, is unsustainable and bad-in-law.

- The Mumbai ITAT in case of **Asstt. CIT v. Layer Exports (P.) Ltd. [2017] 88** held that, additions are to be made on basis of tangible evidence and not solely on basis of estimations and extrapolation theory. Additions could not be sustained merely on the basis of rough noting made on a few loose sheets of papers unless the AO brought on record some independent and corroborative materials to prove irrefutably that the noting revealed either unaccounted income or unaccounted investment or unaccounted expenditure of the assessee. Additions could not be made simply on the basis of rough scribbles made by some unidentified person on a few loose sheets of paper. Since the seized papers were undated, had no acceptable narration and did not bear the signature of the assessee or any other party, they were in the nature of dumb documents having no evidentiary value and could not be taken as the sole basis for determination of undisclosed income of the assessee, thus, no addition can be made by AO on grossly inadequate material or rather no material at all and as such deserved to be deleted.

- The Hon'ble High Court in case of **Pr. CIT v. Umesh Ishrani [2019] 108 taxmann.com 437 (Bom.)** held that, since the Tribunal concluded that entries reflected in loose papers were not corroborated with any other evidence on record. Therefore, the Tribunal was justified in deleting impugned additions made by revenue.

- The aforementioned legal position also gathers support from the judgement of the Hon'ble Supreme taxmann.com 2155 (SC) popularly known as Jain Hawala Case wherein it was held that any presumption of transaction on some vague, tenuous and dubious entries in a sheet of paper is not rational and hence legal unless there is corroboration by corresponding entry in regular accounts of both the parties to the transaction.

Ground No.7

Issue: Incorrect demand raised

Ground: That the demand raised by the AO is incorrect and is liable to be quashed.

Response: In light of the above-stated circumstances of the instant case, the demand raised by the Learned Assessing Officer is incorrect, as in the name of incriminating material, the office of Learned Assessing Officer has only provided a dumb document. However, a mere piece of paper is not self-sufficient to claim a hefty addition of INR _____. Moreover, the Learned Assessing Officer has also not provided any cash trail or details of cash found if any. Most importantly, the documents relied upon by the Learned Assessing Officer in making the additions were also not provided to the Appellant during the Assessment Proceedings. Therefore, the demand raised by the Learned Assessing Officer is totally incorrect and liable to be quashed in the Interests of Justice.

Ground No.8

Issue: Penalty u/s 271AAC (1) of the IT Act, 1961.

Ground: That in view of facts and circumstance of the case and in law, the AO erred in initiating penalty u/s 271AAC (1) of the IT Act.

Response: The Learned Assessing Officer has erroneously imposed penalty against the Appellant, as the Assessment Order was passed without considering the correct facts of the instant case. Therefore, the Learned Assessing Officer has wrongly initiated penalty proceedings upon the appellant under section 271AAC (1) of the IT Act.

Ground No.9

Issue: The Appellant craves leave to add, amend, alter and or delete any of the above grounds of appeal at or before the time of hearing.

Ground: The Appellant craves leave to add, amend, alter and or delete any of the above grounds of appeal at or before the time of hearing.

Response: The Appellant craves leave to add, amend, alter and or delete any of the above grounds of appeal at or before the time of hearing.

Prayer:

In view of the above detailed submissions it is humbly requested to kindly allow the grounds raised by the Appellant and delete the unjust additions made by the Learned Assessing Officer in the impugned Assessment Order.

Thanking you in anticipation.

Appellant

SD/-

Authorized Signatory

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