



NAME: _____

PAN: ADB12334XYZ

ASSESSMENT YEAR: _____

STATEMENT OF FACTS

1. The Appellant is filing the present appeal aggrieved by the Assessment Order dated _____ issued u/s 147 r.w.s 144B of the Income Tax Act, 1961 (“**the Act**”) for the Assessment Year _____.
2. The Appellant had filed its Return of Income on _____, u/s 148 of the Act, declaring a total income of INR _____ vide Acknowledgement no. _____
3. During the course of proceedings, the Appellant submitted relevant documents before the office of learned AO (**Assessing Officer**). The Appellant also made detailed submissions explaining its case. Furthermore, the Appellant also raised certain objections against the Assessment Proceedings.
4. However, the learned AO did not consider the facts and explanations made by the Appellant. The AO vide its order dated _____, erroneously held that an amount of INR _____ should be added to the total income of the Appellant u/s 69A of the Act and consequently raised an unjustified demand to the tune of INR _____.

5. Aggrieved by the impugned Assessment Order, the Appellant is preferring the present Appeal before the CIT-(A).

GROUPS OF APPEAL

Section	Issue	Ground
Sections 147/144B/ 69A	The incorrect additions made by the learned AO (Assessing Officer) in the hands of the Appellant.	That, in view of facts and circumstance of the case and in law, the learned AO (Assessing Officer) erred in making an addition of INR_____u/s 69A of the Income Tax Act, 1961 (the Act) against the Appellant, baselessly alleging the fact that, the Appellant had claimed fictitious LTCG exemption.
Sections 147/144B	The learned AO has erroneously added a sum of INR_____and thereby raised an incorrect demand to the tune of INR_____.	That, during the course of Assessment Proceedings, the Appellant had already submitted the necessary bank statement indicating a receipt of INR_____pertaining to the transaction in question. However, the learned AO blindly made addition of INR_____and thereby raised an incorrect demand of INR_____
Section 147/144B	The learned AO has not furnished a single document to substantiate the	That, during the course of Assessment Proceedings, the learned AO had failed to furnish a single document to validate the

	allegations made against the Appellant.	allegations made against the Appellant. The aforesaid stance clearly violates the landmark ruling of Ashish Aggarwal vs. UOI. That, the learned AO made a hefty addition in the hands of the Appellant, without in possession of any tangible/incriminating material.
Section 147/144B	The submissions made by Appellant were not considered by the learned AO.	That, the Assessment Order passed by the learned AO, u/s 147 r.w.s 144B of the Income Tax Act, 1961 is incorrect, bad in law and most importantly the same had been passed without appreciating facts of the present case. Since, the proceedings were legally bound to be commenced within Section 153C, in accordance to the Income Tax Act, 1961. Furthermore, the learned AO failed to furnish the required Satisfaction Note, mandatory u/s 153C/148A of the Act.
Section 147/144B	No proper opportunity of being heard was given to the Appellant.	That, the Assessment Order passed is against the principles of Natural Justice. The learned AO has erred in law and facts of the case, as AO did not avail a proper opportunity to the Appellant of being heard.

		<p>Furthermore, as per the E-portal itself, the limitation period for completion of the Assessment Proceeding was_31st march 2024.</p> <p>Henceforth, the learned AO had sufficient span of time to clarify the objections raised by the Appellant.</p> <p>However, the learned AO wrongly considered the limitation date as_31st may 2023, in accordance to Section 153(6) of the Income Tax Act, 1961. Thereby, the Assessment Order was passed in hurry by the learned AO.</p>
Section 147/144B	The Notice u/s 148 was issued after_31 st march 2021. Therefore, the present matter was time-barred, subsequently the Notices issued and the Assessment Order is void ab initio.	That, the Notice u/s 148 was issued after_31 st march 2021. Therefore, the present matter was time-barred, subsequently the Notices issued and the Assessment Order is void ab initio.
Section 147/144B	The material available on record had not been properly considered and judicially interpreted.	That, the Appellant had previously requested learned AO to confirm the status of the Searched Parties in question, as the primary liability reside in their hands itself. Moreover,

		<p>the Appellant also requested for Cross-Examination of relevant parties. However, the learned AO rejected the bona-fide plea of the Appellant.</p> <p>Please note that, if the Searched Parties have preferred a retraction against their recorded statement, the same should be disclosed to the Appellant in the Interests of Justice, infact if the Searched Parties have not been found guilty, in that scenario proceedings against the Appellant are void-ab initio.</p>
Section 147/144B	The demand raised is based on mere surmises and conjunctures. The same cannot be justified by any material on record.	<p>That, the learned AO made a hefty addition in the hands of the Appellant, without in possession of any tangible/incriminating material.</p> <p>It is humbly submitted that, the Appellant was only bound to maintain records of 6 years prior to the assessment year under consideration.</p>
Section 69A	The addition cannot sustain u/s 69A of the Income Tax Act, 1961.	That, the addition in the present case is made u/s 69A of the Act, in case the transactions are duly recorded in the books of accounts, the

		<p>addition cannot sustain within the said section.</p> <p>A plain reading of Section 69A of the Act makes it clear that, addition can only be made when a person is found to be in possession of money, bullion, jewellery etc. not reordered in his books of accounts.</p>
Section 147/144B	<p>No DIN (Document Identification Number) was mentioned within the Notice issued on _____, u/s 148 of the Income Tax Act, 1961.</p>	<p>That, in accordance to the Circular No. 19/2019 issued by CBDT (Central Board of Direct Taxes), it was clearly mentioned that, every Notice of Communication has to be electronically generated inclusive of a DIN. However, the Notice issued on _____, u/s 148 of the Act, was furnished without a DIN.</p> <p>Moreover, in case a Notice of Communication has been issued manually to the Assessee, the concerned AO has to record precise reasons in writing, alongwith the prior approval of Chief Commissioner/Director General of Income Tax.</p> <p>Thereby, the Assessment Order issued by the learned AO is invalid.</p>

<p>Section 147/144B/ 157A</p>	<p>The Notices issued u/s 148 and 156 of the Income Tax Act, 1961 were erroneously issued by the incompetent Authorities.</p>	<p>That, the Notice u/s 148 of the Income Tax Act, 1961 was incorrectly issued by the Jurisdictional Assessing Officer. On contrary, the same should have been issued by the NFAC (National Faceless Assessment Centre), as per the Notification dated 18/2022 issued CBDT.</p> <p>Moreover, the NFAC was not authorized to issue a demand notice u/s 156 of the Income Tax Act, 1961, as the scheme referred u/s 157A of the Act has not been sanctioned legally to date.</p>
<p>Section 147/144B</p>	<p>The learned AO incorrectly assumed jurisdiction for the instant matter, u/s 147 of the Income Tax Act, 1961.</p>	<p>The learned AO incorrectly assumed jurisdiction for the instant matter, u/s 147 of the Income Tax Act, 1961.</p>
<p>Section 147/144B</p>	<p>The learned AO has erred in not following the judgments delivered by various courts in favour of the Appellant.</p>	<p>That, the learned AO has erred in not following the judgments delivered by various courts in favour of the Appellant.</p>
<p>Sections 156/234A/ 234B</p>	<p>The incorrect demand raised (inclusive of interest) by the learned AO.</p>	<p>That, the learned AO has raised an incorrect demand (inclusive of interest) against the Appellant.</p>

Section 271(1)(c)	The penalty initiated u/s 271(1)(c) of the Act.	That, in view of facts and circumstance of the case and in law, the learned AO erred in initiating penalty u/s 271(1)(c) of the IT Act.
Sections 147/144B	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.	That, 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.

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