IN THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH, CHANDIGARH

HYBRID HEARING

BEFORE HON'BLE SHRI RAJPAL YADAV, VICE PRESIDENT
AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

1. आयकर अपील सं./ ITA No.201/CHANDI/2025
(निर्धारण वर्ष / Assessment Year: 2022-23)

DCIT Central Circle-1 Ludhiana	**बनाम**/ Vs.	**Shri Rohit Gupta** C/o Gupta Textile Trading Co. Old Anaj Mandi, Dhuri, Punjab-148024
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. **ACAPG-4615-M**		
(अपीलार्थी/**Appellant**)	:	(प्रत्यर्थी / **Respondent**)

2. आयकर अपील सं./ ITA No.202/CHANDI/2025
(निर्धारण वर्ष / Assessment Year: 2022-23)

DCIT Central Circle-1 Ludhiana	**बनाम**/ Vs.	**Shri Manu Gupta** C/o Gupta Textile Trading Co. Old Anaj Mandi, Dhuri, Punjab-148024
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. **ACAPG-4616-J**		
(अपीलार्थी/**Appellant**)	:	(प्रत्यर्थी / **Respondent**)

Assessee by	:	Shri Sudhir Sehgal (Advocate) – Ld. AR
Revenue by	:	Shri Abhishek Pal Garg (CIT) -Ld. DR (Virtual)

सुनवाईकीतारीख/**Date of Hearing**	:	28-10-2025
घोषणाकीतारीख /**Date of Pronouncement**	:	10/11/2025

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. The facts in captioned twin appeals for Assessment Year (AY) 2022-23 are admittedly identical. First, we take up revenue's appeal ITA No. 201/Chandi/2025 which arises out of an order of learned

Commissioner of Income Tax (Appeals)-5, Ludhiana [CIT(A)] dated 13-11-2024 in the matter of an assessment framed by Ld. DCIT / ACIT, Central Circle-1, Ludhiana [AO] u/s 143(3) on 19-03-2024. The sole issue that arises for our consideration is addition of alleged payment of on-money for Rs.77.27 Lacs as unexplained investment as made by Ld. AO while framing the assessment against the assessee. The Ld. AR stated that the issue stand covered in assessee's favor by the decision of this Tribunal in the case of M/s Homelife Buildcon Private Ltd. (ITA Nos.880/Chd/2024 & ors. order dated 17-07-2025). The copy of the same has been placed on record. Having heard rival submissions and upon perusal of case records, our adjudication would be as under.

Proceedings before lower authorities

2.1 Pursuant to search action by the department u/s 132 in the case of M/s Home Buildcon Pvt. Ltd. (HBPL) group of cases on 16-11-2021, the impugned assessment was framed. During search, various incriminating material were found and seized which indicated payment of on-money by the purchasers to HBPL. The assessee acted as one of the directors of HBPL. M/s HBPL is stated to be engaged in real estate business and developed a township by the name '*Sunview Enclave'* in Ludhiana.

2.2 It was noted by Ld. AO that the assessee purchased SCO No.8 measuring 144.44 Square Yards in the said project for Rs.22 Lacs from HBPL. In assessment proceedings of HBPL, it was noted that the fair market value of the residential plots / SCOs as sold by HBPL was much higher than the registered value of the said properties. By referring to assessment findings in the case of HBPL, Ld. AO noted that the saleable value of the residential plots was determined at Rs.33,000/- per square Yards. Accordingly, the assessee was show-caused wherein Ld. AO proposed addition of alleged on-money. The assessee, vide its reply dated 15-03-2024, refuted the allegation of Ld. AO which did not find favor with Ld. AO. Going by the search findings and in the light of statements recorded therein, Ld. AO computed fair market value of the SCO at Rs.99.27 Lacs as against its registered value of Rs.22 Lacs and added the differential of Rs.77.27 Lacs as unexplained investment u/s 69B.

2.3 The Ld. CIT(A), considering first appeal order Appeal No.10241/2020-21/IT/CIT(A)-5/Ldh/2023-24 dated 19-07-2024 for AY 2021-22 in the case of recipient M/s HBPL, wherein similar additions were deleted, held that the impugned addition would not be sustainable. Aggrieved, the revenue is in further appeal before us.

Our findings and Adjudication

3. As righty pointed out by Ld. AR, we find that the assessee as well as revenue preferred further appeal against the decision of Ld. CIT(A) for AY 2021-22 in the case of HBPL before this Tribunal vide ITA Nos.880/Chd/2024 & 1036/Chd/2024 order dated 17-07-2025 wherein the appeal of the assessee was allowed whereas appeal of the revenue was dismissed. In other words, similar addition of alleged on-money in the case of recipient M/s HBPL stood ultimately deleted by the Tribunal.

4. We further find that by relying upon assessment proceedings of HBPL, Ld. AO made similar addition of alleged on-money in the case of another assessee i.e., Shri Balwinder Singh. However, considering the

first appeal order in the case of HBPL, Ld. CIT(A) deleted the addition so made by Ld. AO. The revenue preferred further appeal against the same vide ITA No.188/Chd/2025 which stood dismissed by Tribunal vide order dated 03-09-2025. The copy of the order has been placed on record.

5. We find that similar facts exist in the present appeal. The Ld. AO made addition in the hands of the assessee by referring to incriminating material and statements recorded during search proceedings in the case of HBPL for AY 2021-22. The addition stood deleted by Ld. CIT(A) by considering first appeal order in the case of HBPL. Aggrieved, the assessee is in further appeal before us. Facts being pari-materia the same and following consistent stand of Tribunal, we would hold that the impugned addition as made by Ld. AO is not sustainable and accordingly the adjudication of Ld. CIT(A) could not be faulted with. We order so. The appeal stand dismissed.

6. ITA No.202/Chandi/2025 : Shri Manu Gupta

Facts in this appeal are pari-materia the same. The Ld. AO made addition of unexplained investment for Rs.77.27 Lacs which has been deleted by Ld. CIT(A) considering same appellate order in the case of HBPL. Aggrieved, the revenue is in further appeal before us. Facts being pari-materia the same, taking the same view, we upheld the order of Ld. CIT(A). This appeal also stand dismissed.

Conclusion

7. Both the appeals stand dismissed.

Order pronounced on 10/11/2025

Sd/-
(RAJPAL YADAV)
VICE PRESIDENT

Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER

Dated: 10/11/2025

आदेश की प्रतिलिपि अग्रेषित /Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT CHANDIGARH