<u>आयकर अपीलीय अधिकरण, मुंबई न्यायपीठ, 'जी', मुंबई।</u>

**IN THE INCOME TAX APPELLATE TRIBUNAL**
**MUMBAI BENCHES "G", MUMBAI**

श्रीजोगिन्दर सिंह, उपाध्यक्ष **एवं**

श्री एन.के.प्रधान, लेखा सदस्य, केसमक्ष

**Before Shri Joginder Singh, Hon'bleVice President, and**
**Shri N.K. Pradhan, Accountant Member**

**ITA NO.4081/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | <u>**बनाम**</u>/<br>Vs. | Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABLFS1302H** |

**ITA NO.4299/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 | <u>**बनाम**</u>/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABLFS1302H** | | |

**ITA NO.4082/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane</td><td rowspan="2">बनाम/<br>Vs.</td><td>Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W)</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
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**ITA NO.4300/Mum/2017**
**Assessment Year: 2011-12**

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<tr><td>Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
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**ITA NO.4083/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane</td><td rowspan="2">बनाम/<br>Vs.</td><td>Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W)</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
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**ITA NO.4301/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABLFS1302H** | | |

**ITA NO.4084/Mum/2017**
**Assessment Year: 2013-14**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | बनाम/<br>Vs. | Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W) |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABLFS1302H** |

**ITA NO.4302/Mum/2017**
**Assessment Year: 2013-14**

| | | |
|---|---|---|
| Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABLFS1302H** | | |

**ITA NO.4085/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Assistant Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | **बनाम**/<br>Vs. | Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W) |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABLFS1302H** |

**ITA NO.4304/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABLFS1302H** | | |

**ITA NO.4303/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABLFS1302H** | | |

**ITA NO.4298/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Sharp Realtors<br>Shop No.1, Parijat<br>Gaothan, Virar(W)<br>Thane(W), Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABLFS1302H** | | |

**ITA NO.6776/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.6777/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.6778/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.6779/Mum/2017**
**Assessment Year: 2013-14**

| | | |
|---|---|---|
| Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.6780/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.6781/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.6863/Mum/2018**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | **बना**<br>**म**/<br>Vs. | Beena Deepak Shah<br>Deep DarpanBunglow<br>Cross Naka<br>Near Telephone Exchange<br>Bhandarwada<br>Agashi, Virar (west)<br>Thane |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AQGPS2202N** | | |

**ITA NO.5565/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | **बना**<br>**म**/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross<br>Naka, Near Telephone<br>Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ASXPS0702Q** |

**ITA NO.5724/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Deepak Purshottam Shah<br>Deep DarpanBunglow<br>Cross Naka, Near<br>Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane | **बनाम**/<br>Vs. | Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ASXPS0702Q** | | |

**ITA NO.5566/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | **बनाम**/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross<br>Naka, Near Telephone<br>Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| **P.A. No.ASXPS0702Q** | | |

**ITA NO.5725/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | **बनाम**/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross<br>Naka, Near Telephone<br>Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ASXPS0702Q** |

**ITA NO.5567/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | बना<br>म/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross<br>Naka, Near Telephone<br>Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ASXPS0702Q** |

**ITA NO.5726/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Deepak Purshottam Shah<br>Deep DarpanBunglow<br>Cross Naka, Near<br>Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane | बनाम/<br>Vs. | Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ASXPS0702Q** | | |

**ITA NO.5568/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane | बना<br>म/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross<br>Naka, Near Telephone<br>Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ASXPS0702Q** |

**ITA NO.5727/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Deepak Purshottam Shah<br>Deep DarpanBunglow<br>Cross Naka, Near<br>Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
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**ITA NO.5569/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Assistant Commissioner of<br>Income-Tax, Central Circle-<br>2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deepak Purshottam Shah<br>Deep DarpanBunglow Cross<br>Naka, Near Telephone<br>Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
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**ITA NO.5728/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Deepak Purshottam Shah<br>Deep DarpanBunglow<br>Cross Naka, Near<br>Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ASXPS0702Q</td></tr>
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**ITA NO.5570/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Assistant Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate, Thane(W), Thane | बनाम/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross Naka, Near Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ASXPS0702Q** |

**ITA NO.5729/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Deepak Purshottam Shah<br>Deep DarpanBunglow Cross Naka, Near Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane | बनाम/<br>Vs. | Assistant Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate, Thane(W), Thane |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ASXPS0702Q** | | |

**ITA NO.5571/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Assistant Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate, Thane(W), Thane | बनाम/<br>Vs. | Deepak Purshottam Shah<br>Deep DarpanBunglow Cross Naka, Near Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ASXPS0702Q** |

**ITA NO.5730/Mum/2017**
**Assessment Year: 2015-16**

<table>
<tr><td>Deepak Purshottam Shah<br>Deep DarpanBunglow<br>Cross Naka, Near<br>Telephone Exchange,<br>BhandarawadaAgashi,<br>Virar(W),Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Assistant Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ASXPS0702Q</td></tr>
</table>

**ITA NO.7009/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Deepak Shah (HUF)<br>Deep DarpanDunglow<br>Cross Naka, Near<br>Telephone Exchange<br>Bhandarawda, Agashi<br>Virar(W), Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADHD5651B</td></tr>
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**ITA NO.7010/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Deepak Shah (HUF)<br>Deep DarpanDunglow<br>Cross Naka, Near<br>Telephone Exchange<br>Bhandarawda, Agashi<br>Virar(W), Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADHD5651B</td></tr>
</table>

**ITA NO.7012/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Pankaj B. Thakur (HUF)<br>Thakur Niwas<br>Opp. Railway Station<br>Virar(W), Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AAGHP3342E</td></tr>
</table>

**ITA NO.7013/Mum/2017**
**Assessment Year: 2009-10**

<table>
<tr><td>Pankaj B. Thakur (HUF)<br>Thakur Niwas<br>Opp. Railway Station<br>Virar(W), Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AAGHP3342E</td></tr>
</table>

**ITA NO.7017/Mum/2017**
**Assessment Year: 2009-10**

<table>
<tr><td>Deepak Shah (HUF)<br>Deep DarpanDunglow<br>Cross Naka, Near<br>Telephone Exchange<br>Bhandarawda, Agashi<br>Virar(W), Thane</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADHD5651B</td></tr>
</table>

**ITA NO.6771/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane.</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ABNPM9780B</td></tr>
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**ITA NO.6772/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane.</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ABNPM9780B</td></tr>
</table>

**ITA NO.6773/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane.</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ABNPM9780B</td></tr>
</table>

**ITA NO.6774/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane. | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABNPM9780B** | | |

**ITA NO.6775/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane. | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABNPM9780B** | | |

**ITA NO.6803/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane. | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABNPM9780B** | | |

**ITA NO.6855/Mum/2017**
**Assessment Year: 2010-11**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane.</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.ABNPM9780B</td></tr>
</table>

**ITA NO.6856/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane.</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.ABNPM9780B</td></tr>
</table>

**ITA NO.6857/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane.</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.ABNPM9780B</td></tr>
</table>

**ITA NO.6858/Mum/2017**
**Assessment Year: 2013-14**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane. |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABNPM9780B** |

**ITA NO.6859/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane. |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABNPM9780B** |

**ITA NO.6860/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Hemant R. Mhatre<br>Radhakrishna Bunglow<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane. |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABNPM9780B** |

**ITA NO.6711/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Jivdani Housing Projects Limited<br>1st Floor, Thakur Acrade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AACCJ2628Q** | | |

**ITA NO.6712/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABWPN0276A** | | |

**ITA NO.6713/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABWPN0276A** | | |

**ITA NO.6714/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABWPN0276A** | | |

**ITA NO.6715/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABWPN0276A** | | |

**ITA NO.6716/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABWPN0276A** | | |

**ITA NO.6867/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>$6^{th}$ Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABWPN0276A** |

**ITA NO.6868/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>$6^{th}$ Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Kishore D. Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ABWPN0276A** |

**ITA NO.7011/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Kishore D. Naik (HUF)<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | बनाम/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>$6^{th}$ Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAEHK8794D** | | |

**ITA NO.7016/Mum/2017**
**Assessment Year: 202-13**

| | | |
|---|---|---|
| Kishore D. Naik (HUF)<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAEHK8794D** | | |

**ITA NO.6725/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ADGPN0829D** | | |

**ITA NO.6726/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ADGPN0829D** | | |

**ITA NO.6727/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ADGPN0829D</td></tr>
</table>

**ITA NO.6728/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ADGPN0829D</td></tr>
</table>

**ITA NO.6729/Mum/2017**
**Assessment Year: 2014-15**

<table>
<tr><td>Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ADGPN0829D</td></tr>
</table>

**ITA NO.6730/Mum/2016**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ADGPN0829D** | | |

**ITA NO.6864/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | **बनाम**/<br>Vs. | Pratibha Kishor Naik<br>NamrataBunglow, Bolinj<br>VirarNallasopara Road<br>Virar(W), Thane |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.ADGPN0829D** |

**ITA NO.6717/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Rupali Hemant Mhatre<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.ABNPM9781A** | | |

**ITA NO.6718/Mum/2017**
**Assessment Year: 2014-15**

<table>
<tr><td>Rupali Hemant Mhatre<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ABNPM9781A</td></tr>
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**ITA NO.6861/Mum/2017**
**Assessment Year: 2014-15**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Rupali Hemant Mhatre<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.ABNPM9781A</td></tr>
</table>

**ITA NO.6719/Mum/2017**
**Assessment Year: 2015-16**

<table>
<tr><td>Rupali Hemant Mhatre<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.ABNPM9781A</td></tr>
</table>

**ITA NO.6862/Mum/2017**
**Assessment Year: 2015-16**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Rupali Hemant Mhatre<br>Near Railway Sub-way<br>Gaothan, Virar(W)<br>Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3">**P.A. No.ABNPM9781A**</td></tr>
</table>

**ITA NO.6724/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Swastik Estate<br>1st Floor, Thakur Acrade<br>Station Road, Virar(W)<br>Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">**P.A. No.ABTFS2232E**</td></tr>
</table>

**ITA NO.6854/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Swastik Estate<br>Shop No.1, Parijat<br>Gaothan, Virar(West)<br>Thane</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3">**P.A. No.ABTFS2232E**</td></tr>
</table>

**ITA NO.6079/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Swastik Spaces Limited<br>2nd Floor, Gulmohar Plaza<br>Next to Divekar Hospital<br>Viva College Road,Virar(W)<br>Thane(W), Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.AANCS6636E** |

**ITA NO.6153/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Swastik Spaces Limited<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AANCS6636E** | | |

**ITA NO.6080/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Swastik Spaces Limited<br>2nd Floor, Gulmohar Plaza<br>Next to Divekar Hospital<br>Viva College Road,Virar(W)<br>Thane(W), Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.AANCS6636E** |

**ITA NO.6154/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Swastik Spaces Limited<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम/**<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AANCS6636E** | | |

**ITA NO.6081/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-<br>2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | **बनाम/**<br>Vs. | Swastik Spaces Limited<br>2nd Floor, Gulmohar Plaza<br>Next to Divekar Hospital<br>Viva College Road,Virar(W)<br>Thane(W), Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.AANCS6636E** |

**ITA NO.6155/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Swastik Spaces Limited<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम/**<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AANCS6636E** | | |

**ITA NO.6082/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Swastik Spaces Limited<br>2nd Floor, Gulmohar Plaza<br>Next to Divekar Hospital<br>Viva College Road,Virar(W)<br>Thane(W), Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.AANCS6636E</td></tr>
</table>

**ITA NO.6156/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Swastik Spaces Limited<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AANCS6636E</td></tr>
</table>

**ITA NO.6083/Mum/2017**
**Assessment Year: 2014-15**

<table>
<tr><td>Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Swastik Spaces Limited<br>2nd Floor, Gulmohar Plaza<br>Next to Divekar Hospital<br>Viva College Road,Virar(W)<br>Thane(W), Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.AANCS6636E</td></tr>
</table>

**ITA NO.6157/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Swastik Spaces Limited<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम/**<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AANCS6636E** | | |

**ITA NO.6084/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-<br>2<br>Room No.10, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | **बनाम/**<br>Vs. | Swastik Spaces Limited<br>2nd Floor, Gulmohar Plaza<br>Next to Divekar Hospital<br>Viva College Road,Virar(W)<br>Thane(W), Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.AANCS6636E** |

**ITA NO.6158/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Swastik Spaces Limited<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम/**<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AANCS6636E** | | |

**ITA NO.6538/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Viva Shelters<br>1st Floor, Thakur Arcade<br>Station Road, Virar(West)<br>Thane-401 303</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADFV5367N</td></tr>
</table>

**ITA NO.6539/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Viva Shelters<br>1st Floor, Thakur Arcade<br>Station Road, Virar(West)<br>Thane-401 303</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADFV5367N</td></tr>
</table>

**ITA NO.6540/Mum/2017**
**Assessment Year: 2010-11**

<table>
<tr><td>Viva Shelters<br>1st Floor, Thakur Arcade<br>Station Road, Virar(West)<br>Thane-401 303</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADFV5367N</td></tr>
</table>

**ITA NO.6541/Mum/2017**
**Assessment Year: 2015-16**

<table>
<tr><td>Viva Shelters<br>1st Floor, Thakur Arcade<br>Station Road, Virar(West)<br>Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate, Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AADFV5367N</td></tr>
</table>

**ITA NO.6383/Mum/2017**
**Assessment Year: 2015-16**

<table>
<tr><td>Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate, Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Viva Shelters<br>Gali Number-10<br>New Nishigandha Society<br>Manvelpada Road<br>Virar (East), Thane</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>(निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3">P.A. No.AADFV5367N</td></tr>
</table>

**ITA NO.6720/Mum/2017**
**Assessment Year: 2011-12**

<table>
<tr><td>Viva Swastik Associates<br>Gali No.10<br>New Nishigandha Society<br>Manvelpada Road<br>Virar(E), Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate, Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AAHFV8507G</td></tr>
</table>

**ITA NO.6721/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Viva Swastik Associates<br>Gali No.10<br>New Nishigandha Society<br>Manvelpada Road<br>Virar(E), Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAHFV8507G** | | |

**ITA NO.6722/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Viva Swastik Associates<br>Gali No.10<br>New Nishigandha Society<br>Manvelpada Road<br>Virar(E), Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAHFV8507G** | | |

**ITA NO.6723/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Viva Swastik Associates<br>Gali No.10<br>New Nishigandha Society<br>Manvelpada Road<br>Virar(E), Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAHFV8507G** | | |

**ITA NO.4267/Mum/2017**
**Assessment Year: 2009-10**

| | | |
|---|---|---|
| Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAGFV9964J** | | |

**ITA NO.4268/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar(West)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAGFV9964J** | | |

**ITA NO.4075/Mum/2017**
**Assessment Year: 2010-11**

| | | |
|---|---|---|
| Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | **बनाम**/<br>Vs. | Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303 |
| (राजस्व/Revenue) | | निर्धारिती /Assessee) |
| | | **P.A. No.AAGFV9964J** |

**ITA NO.4269/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAGFV9964J** | | |

**ITA NO.4076/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303 |
| (राजस्व/Revenue) | | निर्धारिती /Assessee) |
| | | **P.A. No.AAGFV9964J** |

**ITA NO.4270/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAGFV9964J** | | |

**ITA NO.4077/Mum/2017**
**Assessment Year: 2012-13**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3">P.A. No.AAGFV9964J</td></tr>
</table>

**ITA NO.4271/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303</td><td rowspan="2">बनाम/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AAGFV9964J</td></tr>
</table>

**ITA NO.4078/Mum/2017**
**Assessment Year: 2013-14**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2">बनाम/<br>Vs.</td><td>Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3">P.A. No.AAGFV9964J</td></tr>
</table>

**ITA NO.4272/Mum/2017**
**Assessment Year: 2014-15**

<table>
<tr><td>Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td></tr>
<tr><td>(निर्धारिती /Assessee)</td><td>(राजस्व/Revenue)</td></tr>
<tr><td colspan="3">P.A. No.AAGFV9964J</td></tr>
</table>

**ITA NO.4079/Mum/2017**
**Assessment Year: 2014-15**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303</td></tr>
<tr><td>(राजस्व/Revenue)</td><td>निर्धारिती /Assessee)</td></tr>
<tr><td colspan="3" align="right">P.A. No.AAGFV9964J</td></tr>
</table>

**ITA NO.4080/Mum/2017**
**Assessment Year: 2015-16**

<table>
<tr><td>Deputy Commissioner of<br>Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604</td><td rowspan="2"><u>बनाम</u>/<br>Vs.</td><td>Viva Swastik Developers<br>1st Floor, Thakur Arcade<br>Station Road, Virar (West)<br>Thane-401 303</td></tr>
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<tr><td colspan="3" align="right">P.A. No.AAGFV9964J</td></tr>
</table>

**ITA NO.6731/Mum/2016**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAIFV2375H** | | |

**ITA NO.6865/Mum/2017**
**Assessment Year: 2011-12**

| | | |
|---|---|---|
| Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate<br>Thane(W), Thane-400604 | बनाम/<br>Vs. | Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.AAIFV2375H** |

**ITA NO.6732/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | बनाम/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAIFV2375H** | | |

**ITA NO.6866/Mum/2017**
**Assessment Year: 2012-13**

| | | |
|---|---|---|
| Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate<br>Thane(W), Thane-400604 | **बनाम**/<br>Vs. | Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 |
| (राजस्व/Revenue) | | (निर्धारिती /Assessee) |
| | | **P.A. No.AAIFV2375H** |

**ITA NO.6733/Mum/2017**
**Assessment Year: 2013-14**

| | | |
|---|---|---|
| Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAIFV2375H** | | |

**ITA NO.6734/Mum/2017**
**Assessment Year: 2014-15**

| | | |
|---|---|---|
| Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAIFV2375H** | | |

**ITA NO.6735/Mum/2017**
**Assessment Year: 2015-16**

| | | |
|---|---|---|
| Viva Swastik Estate<br>1st Floor, Thakur Arcade<br>Station Road, Virar(W)<br>Thane-401 303 | **बनाम**/<br>Vs. | Deputy Commissioner of Income-Tax, Central Circle-2<br>Room No.13, A-Wing<br>6th Floor, Ashar IT Park<br>Road No.16Z<br>Wagle Industrial Estate,<br>Thane(W), Thane-400604 |
| (निर्धारिती /Assessee) | | (राजस्व/Revenue) |
| **P.A. No.AAIFV2375H** | | |

| | |
|---|---|
| निर्धारिती**की ओर से/** Assessee by | Shri Mukund Bakshi, Shri Hemant Suthar & Shri Saurabh Parasrampunia-ARs |
| राजस्व **की ओर से** / Revenue by | Shri B. Srinivas & Manoj Kumar Singh-DRs |

| | |
|---|---|
| सुनवाई की तारीख / **Date of Hearing :** | **26/10/2018** |
| घोषणाकी तारीख/**Date of Pronouncement** | **28/11/2018** |

## आदेश / O R D E R

Per Bench

This bunch of 114 appeals filed by the different assessees and also by the Revenue for different Assessment Years, challenging the impugned orders of the Ld. First Appellate Authority.

2. The ground raised in each group of cases are summarized hereunder:-

In the case of Sharp Realtors, the grounds are as under:-

**ITA NO.4081/Mum/2017**

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.2,86,34,541/- on account of bogus purchases without appreciating the fact that the assessee failed to establish the genuineness of the purchases made by him and also it is the duty and primary responsibility of the assessee to establish the veracity of claim made by him in the financial statements?*

*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition of Rs.2,86,34,541/- on account of bogus purchases without appreciating the fact that neither the assessee submitted the relevant details to establish the purchases as genuine nor commend on the statements of hawala parties recorded u/s 14 of the Sales Tax Act which were provided to him.*

*3. The Ld. CIT(A)-11, Pune erred in law in deleting the addition of Rs.2,86,34,541/- on account of bogus purchases without appreciating the fact that these hawala parties have not replied to the notices u/s 133(6) of the Act.*

*4. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restores.*

*5. The appellant craves leave to add, amend or alter any ground / grounds of appeal, which may be necessary.*

**ITA NO.4082/Mum/2017**

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.11,00,92,383/- on account of bogus purchases without appreciating the fact that the assessee failed to establish the genuineness of the purchases made by him and also it is the duty and primary responsibility of the assessee to establish the veracity of claim made by him in the financial statements?*

*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition of Rs.11,00,92,383/- on account of bogus purchases* *without appreciating the fact that neither the assessee submitted the relevant details to establish the purchases as genuine nor commend on the statements of hawala parties recorded u/s 14 of the Sales Tax Act which were provided to him.*

*3. The Ld. CIT(A)-11, Pune erred in law in deleting the addition of Rs.11,00,92,383/- on account of bogus purchases without appreciating the fact that these hawala parties have not replied to the notices u/s 133(6) of the Act.*

*4. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restores.*

*5. The appellant craves leave to add, amend or alter any ground / grounds of appeal, which may be necessary.*

## ITA NO.4083/Mum/2017

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.2,65,01,037/- on account of bogus purchases without appreciating the fact that the assessee failed to establish the genuineness and creditworthiness of the loan parties and also it is the duty and primary responsibility of the assessee to establish the veracity of claim made by him in the financial statements?*

*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition of Rs.2,65,01,037/- on account of unsecured loans without appreciating that during remand proceedings the assessee himself admitted that unsecured loans are included in cash flow statement which indicate that the said loans are included in cash flow statement which indicate that the said loans are cash loans not recorded in the books of the assessee and therefore not allowable u/s 269SS and 269T of the Act.*

*3. The Ld. CIT(A)-11, failed to appreciate the fact that the assessee was unable to match the entries reflected in these seized papers. The Ld. CIT(A) also failed to note the fact that set off could not be allowed as the loans are in the mode of cash and out of books of the assessee.*

*4. The Appellant prays the order of the Ld. CIT(A)-111, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restores.*

*5. The appellant craves leave to add, amend or alter any ground / grounds of appeal, which may be necessary.*

**ITA NO.4084/Mum/2017**

1. *Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.1,65,00,000/- on account of unaccounted receipts and payments without appreciating the fact that since the said transactions were in the mode of cash therefore no set off or telescoping could be allowed /given to the assessee.*
2. *The Appellant prays the order of the Ld. CIT(A)-1, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restores.*
3. *The appellant craves leave to ad, amend or alter any ground/grounds, of appeal, which may be necessary.*

**ITA NO.4085/Mum/2017**

1. *Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in confirming the addition of Rs.10,00,000/- on accounts of unexplained expense without appreciating the fact that the assessee failed to give necessary documentary evidences in support of expenses or documents to show that the said amount was not paid or was payable?*
2. *Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.15,56,72,667/- on account of unaccounted cash receipts without appreciating the fact that the assessee failed to give necessary documentary evidences to show that the above mentioned receipts were accounted for and reflected in the books of the assessee?*
3. *The Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.15,56,72,667/- on account of unaccounted cash receipts without appreciating the fact that as per the seized documents, the amount is shown as received towards the sale of various flats and shops in the project Durvas developed and constructed by the assessee.*
4. *Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.8,51,19,640/-on account of cash expenses without appreciating the fact that the assessee failed to give*

*necessary documentary evidences to support such expenses and as such all such cash expenses were disallowable u/s 40A(3)/69C rws 115BBE of the Act?*

5. *The Ld. CIT(A)-11, Pune erred in deleting the addition of Rs.8,51,19,640/- without appreciating the fact that the said expenses were in the mode of cash and therefore not recorded in the books of the assessee.*

## ITA NO.4299/Mum/2017

1. *On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *(a) On the facts and in law, the Ld. CIT (Appeal) erred in confirming the action of the Ld. AO in making additions on account of unproved purchases to the tune of Rs.50,00,000/- out of Rs.3,36,34,541/-, without bringing any evidence to prove the same as unproved purchases.*

*(b) On the facts and in law, the Ld. CIT(Appeal) erred in confirming the action of the Ld. AO in making additions on account of unproved purchases to the tune of Rs.5,00,000/- out of Rs.3,36,34,541/- , and not accepting the claim of the appellant to tax only certain percentage of profit.*

3. *(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.20,38,88,000/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

   *(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.20,38,88,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable*

*to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4300/Mum/2017***

1. *On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *(a) On the facts and in law, the Ld. CIT (Appeal) erred in confirming the action of the Ld. AO in making additions on account of unproved purchases to the tune of Rs.1,71,57,700/- out of Rs.12,72,50,083/-, without bringing any evidence to prove the same as unproved purchases.*

   *(b) On the facts and in law, the Ld. CIT(Appeal) erred in confirming the action of the Ld. AO in making additions on account of unproved purchases to the tune of*

*Rs.1,71,57,700/- out of Rs.12,72,50,083/- , and not accepting the claim of the appellant to tax only certain percentage of profit.*

3. *(a) On the facts and in law, the Ld.CIT(Appeal) erred in enhancing the income holding that the ON-Money receipts ofRs.3,08,82,227/- is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such On-Money. The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*

*(b) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the ON-Money receipts ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*

4. *(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.22,70,77,755/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

   *(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.22,70,77,755/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

   *(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

   *(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could*

*not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

*5. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4301/Mum/2017***

1. *On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *On the facts and in law, the Ld. CIT (Appeal) erred in confirming the action of the Ld. AO in the additions to the returned income of the following items in absence of any incriminating material;*

*Disallowance of Donation and Diwali Expense Rs.3,94,500/-*

*The above additions made are not supported by any incriminating document/evidences found in the course of search action u/s 132. These additions are prayed to be held as beyond the purview of assessment u/s 153A of the I.T.Act 1961 and are prayed to be deleted.*

*3. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the disallowance of Diwali Expense of Rs.1,04,500/- by not adjudicating the ground treating the same as not pressed, which is allowable expense. The Ld. CIT(Appeal) ought to have held these expenses as allowable.*

*4. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.1,00,00,000/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.1,00,00,000/- on receipt basis ignoring*

*the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

*5. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4302/Mum/2017***

1. *On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *On the facts and in law, the Ld. CIT (Appeal) erred in confirming the action of the Ld. AO in the additions to the returned income of the following items in absence of any incriminating material;*

   *Disallowance of Donation and Diwali Expense Rs.10,48,310/-*

*The above additions made are not supported by any incriminating document/evidences found in the course of search action u/s 132. These additions are prayed to be held as beyond the purview of assessment u/s 153A of the I.T.Act 1961 and are prayed to be deleted.*

3. *On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.90,00,000/- treating the receipts as unaccounted income of the appellant, without appreciating the fact on record. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

   *4. On the facts and in law, the Ld. CIT(Appeal ) erred in confirming the disallowance of Diwali Expense of Rs.5,96,310/- by not adjudicating the ground treating the same are not pressed, which is allowable expense*

5. *(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.21,71,58,423/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

   *(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.21,71,58,423/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

   *(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

   *(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated*

*directions for allowance of the expenses may please be directed.*

*6. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4303/Mum/2017***

1. *On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.7,64,73,407/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

   *(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.7,64,73,407/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

   *(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

   *(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could*

*not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4304/Mum/2017***

1. *(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.4,23,32,281/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

   *(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.4,23,32,281/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

   *(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

   *(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

   *2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

**ITA NO.4298/Mum/2017**

1. *On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C were ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.26,74,08,400/- in relation to the sale of land /FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled/deleted*

   *(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.26,74,08,400/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

   *(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed could be taxed as against taxation of the gross receipts.*

   *(d) The Ld.CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed*

*3. Your appellant craves the liberty to add, alter, amen or delete any or all of the above ground(s) of appeal.*

3. Now we shall summarize the grounds raised in Beena Deepak Shah, which are as under:-

***ITA NO.6776/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O.in addition of Rs.2,97,515/- on account of noting of interest without accepting the contention of the appellant. The Ld. CIT(Appeals) ought to have accepted the submission of the appellant that no payment was made in respect of the notings made and deleted the addition.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6777/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O.in addition of Rs.1,25,328/- on account of noting of interest without accepting the contention of the appellant. The Ld. CIT(Appeals) ought to have accepted the submission of the appellant that no payment was made in respect of the notings made and deleted the addition.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6778/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O.in addition of Rs.10,20,180/- on account of noting of interest without accepting the contention of the appellant. The Ld. CIT(Appeals) ought to have accepted the submission of the appellant that no payment was made in respect of the notings made and deleted the addition.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6779/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O.in addition of Rs.1,23,825/- in relation to the amount of differential rental income as per the books of account and as per seized document without considering the submission of the appellant that the rent of Rs.1,23,825/- from Aditya Birla Nuvo Ltd. Was not received by the appellant. The addition thus, confirmed in the year under consideration is baseless.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6780/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O.in addition of Rs.12,750/- in relation to the amount of differential rental income as per the books of account and as per seized document without considering the submission of the appellant that the rent of Rs.12,750/- from Synapse Educare Institute LLP is stated from A.Y. 2015-16. The addition thus, confirmed in the year under consideration is baseless.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.2,18,89,564/- in relation to the purchase of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O in addition of Rs.2,18,89,564/- in relation to the unaccounted cash payment for purchase of Dhowli Land found to be noted on seized documents without considering the submission of the appellant that the same was paid out of the unaccounted receipt belonging to the appellant or other family / group members. The Ld. CIT(A) has ignored the fact that the date wise noting of the amount received on sale of Dhowli Land was found to have been noted on the seized material and thus, ought to have allowed benefit of telescoping.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6863/Mum/2018***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6781/Mum/2017***

*1.(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.4,12,75,284/- in relation to the sale of land /FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled/deleted*
*(b) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in enhancing the addition proposed of Rs.4,12,75,284/- in relation to the unaccounted cash receipt on sale of Dhowli Land found to be noted on seized documents without considering the submission of the appellant that the amount was not received in the year under consideration. The Ld. CIT(A) has ignored the fact that the date wise noting of the amount received on sale of Dhowli Land was found to have been noted on the seized material and thus, no addition should have been confirmed in the year under consideration.*
*2. Without prejudice to the above,*

*(a) The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in enhancing the addition of Rs.4,12,75,284/- on receipt basis ignoring the submission of the appellant that unaccounted cash received on sale of land / FSI was liable to*

*be taxed in the year in which the conveyance was effected as per the regularly followed method.*
*(b) The Ld. CIT(A) further erred in law and in facts in confirming the action of the Ld. A.O. in enhancing the addition of an amount of Rs.4,12,75,284/- in relation to the sale of land / FSI rejecting the explanation of the appellant that the unaccounted Receipts towards the sale of land / FSI cannot be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidence of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed could be taxed as against taxation of the gross receipts.*
*(d) The Ld.CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed*
*3. Your appellant craves the liberty to add, alter, amen or delete any or all of the above ground(s) of appeal.*

4. In the Case of Deepak Purshottam Shah, the grounds raised are summarized as under:-

***ITA NO.5565/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not*

*an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.5566/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.5567/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.5568/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.5569/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.5570/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the* *expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*

*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO. 5571/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*

*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.5724/Mum/2017***

*1.(a)The Ld. CIT(A) has erred in law and in acts in enhancing the income of the appellant by an amount of Rs.17,07,150/- representing the unexplained expenditure incurred towards purchase / development of land without affording a reasonable opportunity of showing cause against such*

*enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal) has further erred in not allowing the claim of the appellant that other group concerns and members have sufficient source of fund to make payments by the appellant. The Ld. CIT(Appeal) has erred in ignoring the group cash flow submitted.*
*2.Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.5725/Mum/2017***

*1. (a) On the facts and in law, the Ld. CIT(Appeal) erred in holding that the proceed of sale of land / FSI not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*
*(b) The Ld. CIT(Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized document invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*
*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) appeal.*

***ITA NO.5726/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.7,94,00,000/- representing the unexplained expenditure incurred towards purchase / development of land / FSI without affording a reasonable opportunity of showing cause* *against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b)On the facts and in law, the Ld. CIT (Appeal) erred in holding that the proceed of sale of land / FSI not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*

*(c) The Ld. CIT(Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*

*(d) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*

*2. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.17,50,78,500/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3.Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.5727/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.3,96,59,142/- representing the unexplained expenditure incurred towards purchase / development of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b)On the facts and in law, the Ld. CIT (Appeal) erred in holding that the proceed of sale of land / FSI not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*
*(c) The Ld. CIT(Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*
*(d) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*
*2. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.8,31,20,136/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*
*3. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.3,00,000/- on account of undisclosed rental income noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*
*4.Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.5728/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.16,13,39,5000/- representing the unexplained* *expenditure incurred towards purchase / development of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b)On the facts and in law, the Ld. CIT (Appeal) erred in holding that the proceed of sale of land / FSI not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*

*(c) The Ld. CIT(Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*

*(d) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*

*2. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.20,27,106/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.18,32,484/- (13,82,484 + 3,50,000 + 1,00,000) on account of undisclosed rental income noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*4.Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.5729/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.11,69,97,500/- representing the unexplained expenditure incurred towards purchase / development of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2)and hence the same is prayed to be cancelled / deleted.*

*(b) On the facts and in law, the Ld. CIT(Appeal) erred in holding that the proceed of sale of land/ FSI not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*

*(c) The Ld. CIT(Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*

*(d)The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*

*2. On the facts and in law, the Ld. CI(Appeal) erred in confirming the addition of RS.4,24,80,000/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.61,39,500/- applying the provisions of Sec. 56(2)(b) of the Act ignoring the fact that appellant has made payment sin cash which is not recorded in the books of account but found to be noted on the seized document and on considering the same, the total consideration paid (recorded and unrecorded both) is higher* *than the stamp duty valuation. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*4. On the facts and in law, the Ld. CIT(Appeal) erred in confirming the addition of Rs.1,20,14,030/- applying the provisions of Sec. 56(2)(b) of the Act ignoring the fact that appellant has made payments in cash, which is not recorded in the books of account but found to be noted on seized document and on considering the same, the total consideration paid (recorded and unrecorded both )is higher than the stamp duty valuation. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*5. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.11,27,712/- on account of undisclosed rental income noted on the seized documents s income of the appellant, without appreciating the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*6. (a) On the facts and in law, the Ld. CIT(Appeal) erred in holding that the proceed of sale of land/FSI of Rs.1,93,48,840/- not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure thereaginst despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*

*(b) The Ld. CIT (Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*

*7. (a) On the facts and in law, the Ld. CI(Appeal) erred in holding that the proceed of sale of land / FSI of Rs.1,19,50,000/- received by the appellant and therefore so be taxed in the hand of the appellant ignoring the fact that the seized document belongs to Shri Heamant Mhatre.*
*(b) On the facts and in law, the Ld. CIT(Appeal) erred in holding that the proceed or sale of land / FSI of Rs.1,19,50,000/- not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*
*C) The Ld. CIT (Appeal) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*
*(d)The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipt towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*
*8. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.5730/Mum/2017***

*1. On the facts and in law, the Ld. CIT (Appeal) erred in confirming the addition of Rs.42,79,764/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appellant) ought to have accepted the submission of the appellant and deleted the addition made.*
*2. On the facts and in law, the Ld. CIT(Appeal) erred in confirming the addition of Rs.1,22,500/- on account of undisclosed rental income noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted*

*the submission of the appellant and deleted the addition made.*
*3. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant to an amount of Rs.22,58,74,000/- as against addition made by the Ld. A.O. of Rs.88,00,000/- representing the unexplained expenditure incurred towards purchase / development of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251 (2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal erred in not allowing proper benefit of telescoping i.e. set off of expenditure / investments against receipts thereby making double additions, once on account of inflow of funds and again on account of out flow thereof.*
*(c) On the facts and in law, the Ld.CIT(Appeal) has further erred in not allowing the claim of the appellant that other group concerns and members have sufficient source of fund to make payments by the appellant. The Ld. CIT(Appeal) has erred in ignoring the group cash flow submitted.*
*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

5. In the case of Deepak Shah (HUF), the grounds raised, are summarized as under:-

***ITA NO.7009/Mum/2017***

*1. On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. The Ld. CIT(Appeal) has further erred in confirming the action of the Ld. AO in addition of an amount of Rs.2,29,917/- on account of unexplained loan without*

*considering the submission of the appellant. The Ld. CIT(A) ought to have deleted the addition made.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal*

***ITA NO.7010/Mum/2017***

*1. On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.15,40,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b)The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, on account of cash received from sale of Shops and Flats ignoring the submission of the appellant. The Ld. CIT(A) ought to have accepted the submission of the appellant and not made enhancement.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal*

***ITA NO.7012/Mum/2017***

*1. On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is*

*prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.15,40,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b)The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, on account of cash received from sale of Shops and Flats ignoring the submission of the appellant. The Ld. CIT(A) ought to have accepted the submission of the appellant and not made enhancement.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal*

***ITA NO.7013/Mum/2017***

*1 On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2 The Ld. CIT(Appeal) has further erred in confirming the action of the Ld. AO in addition of an amount of Rs.14,50,00,000/- on account transaction of land with Tata Housing Ltd. The Ld. CIT(A) ought to have deleted the addition made.*

*3 Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal*

***ITA NO.7017/Mum/2017***

*1. On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For* *assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. The Ld. CIT(Appeal) has further erred in confirming the action of the Ld. AO in addition of an amount of Rs.14,80,00,000/- on account transaction of land with Tata Housing Ltd. The Ld. CIT(A) ought to have deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal*

6. In the case of Hemant R. Mhatre, the grounds raised, are as under:-

***ITA NO.6771/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.1,31,80,000/- representing the unaccounted cash receipt towards sale of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled /deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rss.1,31,80,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of sec.40A(3). Provisions of sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6803/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.7,12,500/- on account of unaccounted investment in purchase of immovable property rejecting the explanation and submission of the appellant that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*2. (a) The Ld. CIT(A) has erred in law andin facts in enhancing the income of the appellant by an amount of Rs.20,76,000/- representing the unexplained expenditure incurred towards purchase / development of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b)On the facts and in law, the Ld. CIT(Appeal) erredinnot allowing proper benefit of telescoping i.e. set off of expenditure / investments against receipts thereby making double additions, once on account of inflow of funds and again on account of out flow thereof*

*(c)On the facts and in law, the Ld. CIT(Appeal)has further erred in not allowing the claim of the appellant that other group concerns and members have sufficient source of fund to make payments by the appellant. The Ld.CIT(Appeal) has erred in ignoring the group cash flow submitted.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6772/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.3,85,28,974/- representing the unaccounted cash receipt towards sale of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled /deleted.*
*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.3,85,28,974/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*
*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*
*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of sec.40A(3). Provisions of sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6773/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.4,92,69,434/- representing the unaccounted cash receipt towards sale of land without affording a reasonable opportunity of showing cause against such enhancement as* *mandated u/s 251(2) and hence the same is prayed to be cancelled /deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.4,92,69,434/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of sec.40A(3). Provisions of sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6774/Mum/2017***

*1. a)The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.34,22,913/- u/s. 56(2)(vii)(b) rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have deleted the submission considering the submission of the appellant that no such amount has been received by the appellant.*

*(b)Without prejudice to the above, the Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.34,22,913/- u/s. 56(2)(vii)(b) without referring the matter to the DVO. The Ld. CIT(A) ought to have referred the matter to the DVO and should have confirmed the*

*valuation of the property. The addition thus, made is prayed to be directed to be deleted.*

*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.15,000/- in relation to the amount of differential rental income as per the books of account and as per seized document without considering the submission of the appellant that the rent of Rs.15,000/- from Mrs. Manjushri Sharma was not received by the appellant.*

*3. (a) The Ld. CIT(A) has erred in law andin facts in enhancing the income of the appellant by an amount of Rs.2,25,70,592/- representing the unaccounted cash receipt towards sale of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.2,25,70,592/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT (Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*4. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.45,98,971/- in relation to the amount of unaccounted receipt on account of STP lines without considering the submission of the*

*appellant. The Ld. CIT(A) ought to have considered the submission of the appellant and deleted the addition.*
*5. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6775/Mum/2017***

*1. Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.35,81,750/- without considering the submission of the appellant. The Ld. CIT(A) ought to have considered the submission of the appellant and have deleted the addition.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.7,41,32,885/- representing the unexplained expenditure incurred towards purchase / development of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal) erred in not allowing proper benefit of telescoping i.e. set off of expenditure / investments against receipts thereby making double additions, once on account of inflow of funds and again on account of out flow thereof.*
*(c) On the facts and in law, the Ld. CIT (Appeals) has further erred in not allowing the claim of the appellant that other group concerns and members have sufficient source of fund to make payments by the appellant. The Ld. CIT(Appeal) has erred in ignoring the group cash flow submitted.*
*3. (a) The Ld. CIT(A) has erred in law and in enhancing the income of the appellant by an amount of Rs.24,250/- representing the unaccounted transaction in respect of Vasant Raut Land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, by an amount of Rs.24,250/- without considering the fact that the said amount has been included in the group cash flow and thus, separate addition will amounts to double taxation of same amount.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

7. In the case of Hemant Mhatre, the grounds raised are as under:-

***ITA NO.6855/Mum/2017***

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act,1961.*
2. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
3. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
4. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in deleting the addition on account of unsecured loan for which assessee has failed to prove the identity, genuineness, and creditworthiness of the loan parties not only at assessment stage but appellate stage also and has failed to discharge the onus of proving the genuineness creditworthiness and identity of the loan creditor.*
5. *The appellant craves leave to add, amend or alter any ground / grounds of appeal which may be necessary.*

***ITA NO.6856/Mum/2017***

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

2. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
3. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
4. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in deleting the addition on account of unsecured loan for which assessee has failed to prove the identity, genuineness, and creditworthiness of the loan parties not only at assessment stage but appellate stage also and has failed to discharge the onus of providing the genuineness creditworthiness and identity of the loan creditor.*
5. *The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6857/Mum/2017***

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
2. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
3. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
4. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in deleting the addition on account of unsecured loan for which assessee has failed to prove the identity, genuineness, and creditworthiness of the loan parties not only at assessment stage but appellate stage also*

*and has failed to discharge the onus of providing the genuineness creditworthiness and identity of the loan creditor.*

5. *The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary*

***ITA NO.6858/Mum/2017***

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
2. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
3. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
4. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in deleting the addition on account of unsecured loan for which assessee has failed to prove the identity, genuineness, and creditworthiness of the loan parties not only at assessment stage but appellate stage also and has failed to discharge the onus of providing the genuineness creditworthiness and identity of the loan creditor.*
5. *The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6859/Mum/2017***

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
2. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the*

*assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*

3. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
4. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in deleting the addition on account of unsecured loan for which assessee has failed to prove the identity, genuineness, and creditworthiness of the loan parties not only at assessment stage but appellate stage also and has failed to discharge the onus of providing the genuineness creditworthiness and identity of the loan creditor.*
5. *The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6860/Mum/2017***

1. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
2. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
3. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
4. *On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in deleting the addition on account of unsecured loan for which assessee has failed to prove the identity, genuineness, and creditworthiness of the loan parties not only at assessment stage but appellate stage also and has failed to discharge the onus of providing the*

*genuineness creditworthiness and identity of the loan creditor.*

5. *The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

8. In the case of Jivdani Housing Project, the grounds are as under:-

***ITA NO.6711/Mum/2017***

1. *The Ld. CIT(A) has erred in law and in facts in confirm the action of the Ld. A.O. in addition of Rs.4,00,00,000/- in relation to the amount received as Share Application Money, which is sourced out of the fud provided by the appellant company, for want of source of payment. The Ld. CIT (Appeals) ought to have allowed telescoping of the unaccounted receipt of the directors/ members against unaccounted expenditure incurred.*
   *Your appellant craves the liberty to ad, alter, amend or delete any or all of the above ground(s) of appeal.*

9. In the case of Kishore D. Naik, the grounds raised are as under:-

***ITA NO.6712/Mum/2017***

*1.(a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.65,80,916/- representing the unaccounted cash received on sale of Palghar Land as Unexplained Investment u/s. 69 of the Act as proposed by the Ld. A.O. without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) On the facts and in law, the Ld. CIT(Appeal) has further erred in not granting allowance of expenses incurred in purchase of land as per the notings found in the seized documents.*

*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6713/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.25,000/- on account of undisclosed rental income rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have deleted the submission considering the submission of the appellant that no such amount has been received by the appellant.*
*2. a)The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.12,00,000/- on account of loan given by the assessee in cash rejecting the explanation and submission of the appellant that appellant's name is not appearing against this cash payment. The Ld. CIT(A) ought to have accepted the submission of the appellant and deleted the addition.*
*b)Without prejudice to the above, the Ld.CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO. 6714/Mum/2017***

*1. a) The ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.28,22,794/- us/. 56(2)(vii)(b) rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have deleted the submission considering the submission of the appellant that no such amount has been received by the appellant.*
*(b) Without prejudice to the above, the Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.28,22,794/- u/s. 56(2) (vii)(b) without referring the matter to the DVO. The Ld. CIT(A) ought to have referred the matter to the DVO and should have confirmed valuation of the property. The addition thus, made is prayed to be directed to be deleted.*

*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of*

*Rs.30,000/- on account of undisclosed rental income rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have deleted the submission considering the submission of the appellant that no such amount has been received by the appellant.*

*3. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.1,16,03,676/- on account of unaccounted cash payment made for purchase of land rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*4. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.36,80,164/- on account of unaccounted cash payment made for purchase of land rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*5. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.24,19,424/- on account of unaccounted cash investment rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given be benefit of telescoping.*

*6. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s)of appeal.*

***ITA NO.6715/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.11,73,500/- on account of unaccounted cash payment made for purchase of land rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have ben noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.2,18,80,061/- in relation to the sale of land / FSI on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(b) The Ld. CIT(A) further erred in law and in facts in confirming the addition by treating entire receipt as income without allowance of any expenditure thereagainst despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*3. a) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.32,15,449/- rejecting the explanation and submission of the appellant that the appellant's name is nowhere mentioned on the seized document. The Ld. CIT(A) ought to have deleted the submission considering the submission of the appellant.*

*b) The Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*4. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.80,00,000/- rejecting the explanation and submission of the appellant that the appellant and other group concerns are having huge* *amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*5. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.3,25,77,250/- rejecting the explanation ;and submission of the appellant that the appellant and other group concern are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*6. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s)of appeal.*

***IT NO.6716/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.2,49,598/- on account of undisclosed rental income rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have deleted the submission considering the submission of the appellant that no such amount has been received by the appellant.*
*2. a)The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.2,25,00,000/- on account of loan given by the assessee in cash rejecting the explanation and submission of the appellant that appellant's name is not appearing against this cash payment. The Ld. CIT(A) ought to have accepted the submission of the appellant and deleted the addition.*
*b) Without prejudice to the above, the Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*
*3. a) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.20,00,000/- on account of loan given by the assessee in cash rejecting the explanation and submission of the*

*appellant. The Ld. CIT(A) ought to have accepted the submission of the appellant and deleted the addition.*

*b) Without prejudice to the above, the Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted n on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*4. a) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of Rs.67,52,418/- on account of cash payment to Tech Built Infrastructure & Development Pvt.Ltd. by the assessee in cash rejecting the explanation and submission of the appellant. The Ld. CIT(A) ought to have accepted the submission of the appellant and deleted the addition.*

*b) Without prejudice to the above, the Ld. CIT(A) ought to have accepted the fact that the appellant and other group concerns are having huge amount of unaccounted cash receipts found to have been noted on the seized document, which is available for making such payment and thus should have given the benefit of telescoping.*

*5. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6867/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*

*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*

*4. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing the benefit of the peak theory*

*without appreciating the fact that assessee has failed to correlate that the amount which was received as loan is the same amount which was repaid.*
*5. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6868/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*4. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing the benefit of the peak theory without appreciating the fact that assessee has failed to correlate that the amount which was received as loan is the same amount which was repaid.*
*5. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

10. In the case of Kishore D. Naik, the grounds are summarized hereunder:-

***ITA NO.7016/Mum/2017***

1. *On the facts and in Law, the Ld. CIT (Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a*

*seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

2. *The Ld. CIT (Appeal) has further erred in confirming the action of the Ld. AO in addition of an amount of Rs.50,00,000/- on account of unexplained loan without considering the submission of the appellant. The Ld. CIT(A) ought to have deleted the addition made.*
3. *Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.7011/Mum/2017***

1. *On the facts and in Law, the Ld. CIT (Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
2. *The Ld. CIT (Appeal) has further erred in confirming the action of the Ld. AO in addition of an amount of Rs.50,00,000/- on account of unexplained loan without considering the submission of the appellant. The Ld. CIT(A) ought to have deleted the addition made.*
3. *Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

11. In the case of Pratibha Kishore, the grounds raised are as under:-

***ITA NO.6725/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.1,31,430/- in relation to the amount of unexplained investment in jewellery ignoring the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant that the investment is made out of the unaccounted receipt from sale of land / FSI in the case of family / group members and should have treated the credit as explained.*

*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6726/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.1,91,617/- in relation to the amount of unexplained investment in jewellery ignoring the submission of the appellant. The Ld. CIT (Appeal) ought to have accepted the submission of the appellant that the investment is made out of the unaccounted receipt from sale of land / FSI in the case of family / group members and should have treated the credit as explained.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6728/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.3,44,580/- in relation to the amount of unexplained investment in jewellery ignoring the submission of the appellant. The Ld.CIT (Appeal) ought to have accepted the submission of the appellant that the investment is made out of the unaccounted receipt from sale of land/ FSI in the case of family / group members and should have treated the credit as explained.*
*2. The Ld. CIT(A)has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.12,750/- in relation to the amount of differential rental income as per the books of account and as per seized document without considering the submission of the appellant that the rent of Rs.12,750/- from Synapse Educare Institute LLP is started from A.Y. 2015-16. The addition thus, confirmed in the year under consideration is baseless considering the remand report of the Ld. A.O.*
*3. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.1,36,008/- in relation to the amount of differential rental income as per the books of account and as per the Individual Transaction Statement (ITS) without considering the submission of the appellant that the rent of Rs.1,36,008/- was not received by the appellant. The Ld. CIT(A) ought to have accepted the submission of the appellant and deleted the addition.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6727/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.96,645/- in relation to the amount of unexplained investment in jewellery ignoring the submission of the appellant. The Ld.CIT (Appeal) ought to have accepted the submission of the appellant that the investment is made out of the unaccounted receipt from sale of land/ FSI in the case of family / group members and should have treated the credit as explained.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.1,48,930/- in relation to unexplained investment in jewellery without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled/ deleted.*
*(b) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.1,48,930/- in relation to the amount of unexplained investment in jewellery ignoring the submission of the appellant. The Ld.CIT (Appeal) ought to have accepted the submission of the appellant that the investment is made out of the unaccounted receipt from sale of land/ FSI in the case of family / group members and should have treated the credit as explained.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6729/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.6,08,648/- in relation to the amount of unexplained investment in jewellery ignoring the submission of the appellant. The Ld.CIT (Appeal) ought to have accepted the submission of the appellant that the investment is made out of the unaccounted receipt from sale of land/ FSI in the case of family / group members and should have treated the credit as explained.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.7,81,136/- in relation to unexplained investment in jewellery without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled/ deleted.*

*(b) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.7,81,136/- in relation to the unaccounted cash payment for purchase of Dhowli Land found to be noted on seized documents without considering the submission of the appellant that the same was paid out of the unaccounted receipt belonging to the appellant or other family / group members. The Ld. CIT(A) ought to have accepted the submission of the appellant and deleted the addition.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6730/Mum/2016***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.14,72,922/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in addition of Rs.14,72,922/- on receipt basis ignoring the submission of the appellant that unaccounted cash received on sale of land / FSI was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) has further erred in law and in facts in confirming the action of the Ld. A.O. in addition of an amount of Rs.14,72,922/- in relation to the sale of land / FSI rejecting the explanation of the appellant that the unaccounted Receipts towards the sale of land / FSI cannot be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted*

*Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6864/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing the benefit of the instruction no-1916 of CBDT dated 11.05.1994 to the assessee even though the assessee has failed to explain the source of the purchase of gold jewellery in the remand proceedings as well as appellate proceedings.*
*2. On the fact and circumstances of the cae and in law, the Ld. CIT(A) erred in allowing the benefit of the telescoping in respect of diamond jewellery even though the Ld. CIT(A) himself has accepted it unexplained.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*
*4. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*5. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*

*6. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

12. In the case of Rupali Hemant Mhatre, the grounds raised are as under:-

***ITA NO.6717/Mum/2017***

*1. On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.7,00,000/- in relation to the amount of cash received noted on seized document treating the same as unexplained ignoring the submission of the appellant. The Ld. CIT(Appeals) ought to have accepted the alternate submission of the appellant that the receipt noted is out of the unaccounted receipt from sale of land/FSI and should have treated the credit as explained.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6718/Mum/2017***

*1. On the facts and in Law, the CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.7,25,00,000/- in relation to the sale of land / FSI rejecting the explanation of the appellant that the unaccounted Receipts towards the sale of land / FSI cannot be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(b) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expensesnot accounted in the regular books (unaccounted cash expenses) by invoking the provisions of sEc.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate direction for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6719/Mum/2017***

*1.(a) The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in addition of Rs.2,30,21,576/- on receipt basis ignoring the submission of the appellant that unaccounted cash received on sale of land / FSI was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(b) The Ld. CIT(A) further erred in law and in facts in confirming the action of the Ld. AO in addition of an amount of Rs.2,30,21,576/- in relation to the sale of land / FSI cannot be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipt could be taxed as against taxation of the gross receipts.*

*(c)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O with respect to the rejection of claim of expenses not accounted in*

*the regular books (unaccounted cash expenses) by invoking the provisions of sec.40A(3). Provisions of sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6861/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6862/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash*

*expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

13. In the case of Swastik Estate, the grounds raised are summarized hereunder:-

***ITA NO.6724/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.1,44,50,000/- in relation to the sale of land / FSI on receipt basis ignoring the submission of the appellant that such receipt was liable to the taxed in the year in which the conveyance was effected as per the regularly followed method. The Ld. CIT(Appeals)ought to have held that the amount of receipt would be taxed in the year in which the income is chargeable to tax as per the regularly followed method of accounting.*
*3. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.3,68,42,982/- relation to the unexplained cash expenditure incurred on purchase and development of the land ignoring the submission of the appellant that such payments are incurred out of unaccounted cash receipt. The Ld. CIT(Appeals) ought to have allowed telescoping of the unaccounted receipt against unaccounted expenditure incurred.*
*4. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in addition of Rs.2,00,00,000/- in relation to the sale of land / FSI on receipt basis ignoring the*

*submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. The Ld. CIT(Appeal) ought to have held that the amount of receipt would be taxed in the year in which the income is chargeable to tax as per the regularly followed method of accounting.*

*5. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal*

***ITA NO.6854/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*

*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

14. In the case of Swastik Spaces Limited, the grounds raised are as under:-

***ITA NO.6079/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

*2. On the facts and circumstances of the case and in law,the Ld. CIT(A) erred in allowing telescoping benefit to the* *assessee without appreciating the fact that expenses were made in cash.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*

*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6080/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*

*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6081/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*

*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*

*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not*

*an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6082/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6083/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6084/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s40A(3)/69C r.w.s. 115BBE of the IT Act, 1961.*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s.115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6153/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained sale of shops of Durvas Project in the hands of appellant of Rs.18,91,405/- without appreciating the material available on record and the fact that the Durvas Project was developed by M/s. Sharp Realtor, Group Concern. The addition, so made is prayed to be directed to be deleted.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.7,39,50,345/- representing the unaccounted loans noted on the seized documents as income of the appellant, without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal) erred in enhancing the addition of Rs.7,39,50,345/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6154/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained sale of shops of Durvas Project in the hands of appellant of Rs.35,00,460/- without appreciating the material available on record and the fact that the Durvas Project was developed by M/s. Sharp Realtor, Group Concern. The addition, so made is prayed to be directed to be deleted.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.56,99,16,818/- representing the unaccounted loans noted on the seized documents as income of the appellant, without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal) erred in enhancing the addition of Rs.56,99,16,818/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO. 6155/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained sale of shops of Durvas Project in the hands of appellant of Rs.33,23,750/- without appreciating the material available on record and the fact that the Durvas Project was developed by M/s. Sharp Realtor, Group Concern. The addition, so made is prayed to be directed to be deleted.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.26,90,09,305/- representing the unaccounted loans noted on the seized documents as income of the appellant, without affording a reasonable opportunity of showing cause against*

*such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal) erred in enhancing the addition of Rs.26,90,09,305/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6156/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained sale of shops of Durvas Project in the hands of appellant of Rs.34,31,54,153/- without appreciating the material available on record and the fact that the Durvas Project was developed by M/s. Sharp Realtor, Group Concern. The addition, so made is prayed to be directed to be deleted.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.3,83,16,168/- representing the unaccounted loans noted on the seized documents as income of the appellant, without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) On the facts and in law, the Ld. CIT(Appeal) erred in enhancing the addition of Rs.3,83,16,168/- on account of unaccounted loans noted on the seized documents as income of the appellant, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6157/Mum/2017***

*1. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the income from the sale of FSI by an amount of Rs.6,62,34,750/- on receipt basis ignoring the submission of the appellant that such*

*receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*
*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6158/Mum/2017***

*1. A) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained investment in purchase of Ambegaon Land of Rs.8,97,91,043/- as per the notings found on seized document as income of the appellant without appreciating the fact that the said land doesn't belong to the appellant firm. The addition, so made, is prayed to be directed to be deleted.*
*b) The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained investment in purchase of Ambegaon Land as per the notings found on seized document as income of the appellant without appreciating the fact that the appellant firm has sufficient source in the form of unsecured loans to make investment in said land. The Ld. CIT(A) erred in not allowing telescoping of such unaccounted payments with the unaccounted receipts and therefore, the addition made is prayed to be directed to be deleted.*

*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unaccounted receipt on sale of land (HDIL) of Rs.2,49,27,900/- as per the notings found on seized document as income of the appellant without appreciating the fact that the said land doesn't belong to the appellant firm. The addition, so made, is prayed to be directed to be deleted.*

*3. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. A.O. in assessing the unexplained expenses as per the entries found on the seized document in the hands of appellant of Rs.1,44,81,084/- without appreciating the material available on record and the fact that the documents pertains to one Shri Vipul Patil and not pertaining to the appellant. The addition, s made is prayed to be directed to be deleted.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

15. In the case of Viva Shelters, the grounds raised are summarized as under:-

***ITA NO.6538/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. AO in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.1,06,67,800/- in relation to the sale of land /FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.1,06,67,800/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld.CIT(Appeals) ought to have held that only profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with*

*respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Se. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expense may please be directed.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6383/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A)erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act,1961*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*4. The appellant craves leave to add, amen or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6539/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. On the facts and in law, the Ld. CIT(Appeals) erred in confirming the addition of Rs.3,24,400/- on account of amount payable to Sundry Creditor M/s. Span V Transport, without appreciating the submission of the appellant. The Ld. CIT(Appeal) ought to have accepted the submission of the appellant and deleted the addition made.*

*3. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.2,31,94,624/- in relation to the sale of land/ FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.2,31,94,624/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6540/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. AO in the assessment u/s*

*144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.70,00,000/- in relation to the sale of land /FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.70,00,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld.CIT(Appeals) ought to have held that only profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Se. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expense may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6541/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.8,25,00,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rss.8,25,00,000/- OR Rs.1,14,00,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of sec.40A(3). Provisions of sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

16. In the case of Viva Swastik Associates, the ground raised are as under:-

***ITA NO.6720/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For* *assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in addition of Rs.19,84,000/- without considering the entire nothing of the seized document and merely adopting picking and choosing the noting suitable to them. The addition, so made deserves deleting.*

*3. (a) The Ld. CIT(A) has erred in confirming the action of the Ld. AO in addition of Rs.19,84,000/- on receipt basis ignoring the submission of the appellant that unaccounted cash received on sale of land/ FSI was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(b) The Ld. CIT(A) has further erred in law and in facts in confirming the action of the Ld. A.O. in addition of an amount of Rs.19,84,000/- in relation to the sale of land / FSI rejecting the explanation of the appellant that the unaccounted Receipts towards the sale of land / FSI cannot be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeal) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(c)The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec.40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriated directions for allowance of the expenses may please be directed.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6721/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in addition of Rs.55,00,000/- based on the noting on the seized document pertaining to M/s. V. S. Associates rejecting the contention of the appellant that the same belongs to different entity viz. M/s. V.S. Associates. The transactions noted on other seized documents have been accepted by the Ld. A.O. and CIT(A) as per pate no. 44 & 45 of the CIT(A) order. The addition, so made deserves deletion.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6722/Mum/2017***

*1. The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in not accepting the return revised on 31.10.2015 declaring income at Rs.1,96,42,050/- by reducing the income of Rs.1,67,76,504/- declared in the return of income filed u/s. 153 on 11.04.2015. The reduction in the income of Rs.1,67,76,504/- ought to have accepted by the Ld. A.O. and CIT(A)considering the explanation of the appellant.*

*2. Your appellant craves the liberty to add, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6723/Mum/2017***

*1. The Ld. CIT(Appeal) has erred in confirming the action of the Ld. AO in not accepting the contention of the appellant that the amount of Rs.5,59,78,170/- was paid out of the unaccounted cash received on sale of land/ FSI in the case of the partners / other group concerns and thus, the source of investment is explained.*

*2. The Ld. CIT(Appeal) has further erred in confirming the action of the Ld. AO in not accepting the contention of the*

*appellant that the amount of Rs.1,27,41,590/- was still payable and therefore there is not justification in making addition.*
*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

17. In the case of Viva Swastik Developers, the grounds raised are summarized hereunder:-

***ITA NO. 4268/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.4,60,00,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.4,60,00,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of Land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit*

*embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4267/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. On the facts and in law, the Ld. CIT(Appeals) has erred in confirming an addition of Rs.1,20,000/- representing the amounts received s noted in the seized documents. The addition of Rs.1,20,00,000/- being erroneous in law and in facts is prayed to be deleted.*
*3. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.2,28,82,571/- and Rs.88,00,000/- representing the unexplained expenditure incurred towards purchase/development of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s.251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) The Ld. CIT(Appeals) has further erred in enhancing the income of the year under consideration by an addition of*

*Rs.2,28,82,571/- holding the same to represent unexplained expenditure u/s.69C of the Act.*
*(c) The Ld. CIT(Appeals) has further erred in enhancing the income of the year under consideration by an addition of Rs.88,00,000/- holding the same to represent unexplained expenditure u/s.69C of the Act.*

*4. (a) On the facts and in law, the Ld. CIT(Appeals) erred in holding that the proceed of sale of land / FSI not recorded in books (Unaccounted Sale Receipts) is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed.*

*(b) The Ld. CIT(Appeals) further erred in upholding the action of the Ld. AO in not allowing the expense incurred in cash towards the purchase and development of land / FSI as evidenced by the seized documents invoking the provisions of Section 40A(3) of the Act. The Ld. CIT(Appeal) ought to have held that such provisions could not be applied to payments not recorded in the regular books of accounts.*

*(c) The Ld. CIT(A)further erred in law and in facts in rejecting the alternate contention of the appellant that the Unaccounted Sale Receipts towards the sale of land ought to be taxed in the same year in which the Accounted Sale Receipt is taxable as per the regular method of accounting.*

*5. (a) On the facts and in law, the Ld. CIT(Appeals) erred in not allowing proper benefit of telescoping i.e. set off of expenditure / investments against receipts thereby making double additions, once on account of inflow of funds and again on account of out flow thereof.*

*(b) On the facts and in law, the Ld. CIT(Appeals) has further erred in not allowing the claim of the appellant that other group concerns and members have sufficient source of fund to make payments by the appellant. The Ld. CIT(Appeal) has erred in ignoring the group cash flow submitted.*

*6. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4269/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.17,41,80,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.17,41,80,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of Land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could*

*not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4270/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.3,29,00,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.3,29,00,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of Land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4271/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.14,22,00,101/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.14,22,00,101/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of Land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The*

*Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4272/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.41,80,50,701/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*
*(b) The Ld. CIT(Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs.1,80,50,701/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method.*

*(c) The Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced*

*Sale Receipts towards the sale of Land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT(Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts.*

*(d) The Ld. CIT(Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.4075/Mum/2017***

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.98,81,079/- on account of cash expenditure without appreciating the fact that the amount of Rs.98,81,079/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) rws 115BBE of the Act?*
*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition and allowing telescoping and set off to the assessee as telescoping could not be given for an expense which is in the mode of cash and not recorded in the books of the assessee.*
*3. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restored.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal, which may be necessary.*

***ITA NO.4076/Mum/2017***

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.3,25,00,000/- on account of cash expenditure without appreciating the fact that the amount of Rs.3,25,00,000/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) r.w.s 115BBE of the Act?*

*2. Whether the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.2,10,86,029/- on account of cash expenditure without appreciating the fact that the amount of Rs.2,10,86,029/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) r.w.s 115BBE of the Act?*

*3. Whether the Ld. CIT(A)-11, Pune erred in partly deleting the addition and allowing set of Rs.12,25,00,000/- on account of cash expenditure without appreciating the fact that the amount of Rs.12,25,00,000/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) r.w.s 115BBWE of the Act?*

*4. The Ld CIT(A)-11, Pune erred in law in deleting the addition and allowing telescoping of expenses and set off to the assessee as telescoping could not be given for an expense which is in the mode of cash and not recorded in the books of the assessee.*

*5. The Appellant prays the order of the Ld. CIT9A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restored.*

*6. The appellant craves leave to add, amend or alter any ground/grounds of appeal, which may be necessary.*

***ITA NO.4077/Mum/2017***

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.1,13,82,226/- on account of cash expenditure without appreciating the fact that the amount of Rs.1,13,82,226/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) r.w.s 115BBE of the Act?*

*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition and allowing telescoping and set off to the assessee as telescoping could not be given for an expense which is in the mode of cash and not re*

*3. corded in the books of the assessee.*
*4. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restored.*
*5. The appellant craves leave to add, amend or alter any ground/grounds of appeal, which may be necessary.*

***ITA NO.4078/Mum/2017***

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.1,41,85,943/- on account of cash expenditure without appreciating the fact that the amount of Rs.1,41,85,943/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) rws 115BBE of the Act?*
*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition and allowing telescoping and set off to the assessee as telescoping could not be given for an expense which is in the mode of cash and not recorded in the books of the assessee.*
*3. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restored.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal, which may be necessary*

***ITA NO.4080/Mum/2017***

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.50,00,000/- on account of cash expenditure without appreciating the fact that the amount of Rs.50,00,000/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) r.w.s 115BBE of the Act?*
*2. The Ld. CIT(A)-11, Pune erred in law in deleting the addition and allowing telescoping to the assessee as telescoping could not be given for an expense which is not legal.*
*3. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restored.*

*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal, which may be necessary.*

***ITA NO.4079/Mum/2017***

*1. Whether in facts and circumstances of the case and in law, the Ld. CIT(A)-11, Pune erred in deleting the addition and allowing set of Rs.81,22,044/- on account of cash expenditure without appreciating the fact that the amount of Rs.81,22,044/- paid in cash is not recorded in the books of the assessee and as such not allowable u/s 69C/40A(3) r.w.s 115BBE of the Act?*
*2 The Ld. CIT(A)-11, Pune erred in law in deleting the addition and allowing telescoping and set off to the assessee as telescoping could not be given for an expense which is in the mode of cash and not recorded in the books of the assessee.*
*3. The Appellant prays the order of the Ld. CIT(A)-11, Pune may be vacated on the above mentioned issue and that of the Assessing Officer be restored.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal, which may be necessary.*

18. In the case of Viva Swastik Estates, the grounds raised are summarized hereunder:-

***ITA NO.6731/Mum/2016***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*
*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.30,24,000/- in relation to the sale of land / FSI without*

*affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing th income of the year under consideration, on account of unaccounted cash receipt on sale of land of an amount of Rs.1,10,00,000/- ignoring the submission of the appellant that the amount has already been included in the amount received from Pradeep Chopra and included in the undisclosed income of the appellant. The Ld. CIT(A) ought to have accepted the fact that the addition would result into double taxation of the same amount and therefore, should have deleted the addition.*

*3. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.3,59,81,773/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, on account of unaccounted cash payment for purchase of land of an amount of Rs.3,59,81,773/- ignoring the submission of the appellant that the amount has been paid out of the unaccounted cash received on sale of land / FSI of the partners/ other group members of the firm. The Ld. CIT(A) ought to have allowed the benefit of telescoping and deleted the addition made.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6732/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is*

*prayed to be held as void and invalid deserving to be quashed.*

*2. The Ld. CIT(A) has erred in law and in facts in confirming the action of the Ld. AO in addition of an amount of Rs.25,00,000/- in relation to the amount received on sale of land / FSI ignoring the submission of the appellant that the amount has already been included in the amount received from Pradeep Chopra and included in the undisclosed income of the appellant. The Ld. CIT(A) ought to have accepted the fact that the addition would result into double taxation of the same amount and therefore, should have deleted the addition.*

*3. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.28,85,300/- in relation to the sale of unaccounted cash payment for purchase of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, on account of unaccounted cash payment for purchase of land of an amount of Rs.28,85,300/- ignoring the submission of the appellant that the amount has been paid out of the unaccounted cash received on sale of land / FSI of the partners/ other group members of the firm. The Ld. CIT(A) ought to have allowed the benefit of telescoping and deleted the addition made.*

*4. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6733/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is*

*prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.1,16,19,000/- in relation to the sale of unaccounted cash payment for purchase of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, on account of unaccounted cash payment for purchase of land of an amount of Rs.1,16,19,000/- ignoring the submission of the appellant that the amount has been paid out of the unaccounted cash received on sale of land / FSI of the partners/ other group members of the firm. The Ld. CIT(A) ought to have allowed the benefit of telescoping and deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6734/Mum/2017***

*1. On the facts and in Law, the Ld. CIT(Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.*

*2. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.30,88,266/- in relation to the sale of unaccounted cash payment for purchase of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, on account of*

*unaccounted cash payment for purchase of land of an amount of Rs.30,88,266/- ignoring the submission of the appellant that the amount has been paid out of the unaccounted cash received on sale of land / FSI of the partners/ other group members of the firm. The Ld. CIT(A) ought to have allowed the benefit of telescoping and deleted the addition made.*

*3. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO. 6735/Mum/2017***

*1. (a) The Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs.23,30,321/- in relation to the sale of unaccounted cash payment for purchase of land without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s 251(2) and hence the same is prayed to be cancelled / deleted.*

*(b) The Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, on account of unaccounted cash payment for purchase of land of an amount of Rs.23,30,321/- ignoring the submission of the appellant that the amount has been paid out of the unaccounted cash received on sale of land / FSI of the partners/ other group members of the firm. The Ld. CIT(A) ought to have allowed the benefit of telescoping and deleted the addition made.*

*2. Your appellant craves the liberty to add, alter, amend or delete any or all of the above ground(s) of appeal.*

***ITA NO.6865/Mum/2017***

*7. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*

*8. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*

*9. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*10. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

***ITA NO.6866/Mum/2017***

*1. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in not appreciating the fact that the expenditure incurred in cash by the assessee and not recorded in his books of account is not allowable u/s 40A(3)/69C r.w.s. 115BBE of the IT Act, 1961*
*2. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in allowing telescoping benefit to the assessee without appreciating the fact that expenses were made in cash and correlation between source fund and its utilization is not established in this case.*
*3. On the facts and circumstances of the case and in law, the Ld. CIT(A) erred in directing the AO to allow set off of cash expenditure without appreciating the fact that the same is not an allowable expense u/s 40A(3)/69C r.w.s. 115BBE of the Act.*
*4. The appellant craves leave to add, amend or alter any ground/grounds of appeal which may be necessary.*

19. During hearing of these appeals, the Ld. CIT-DR submitted that the Ld. CIT (Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C of the Income Tax Act, 1961 (hereinafter the Act), by observing that for assuming valid jurisdiction u/s 153C of the Act there ought to be incriminating documents in the search in the premises of the searched person as belonging

to the assessee and further since no document belonging to the assessee is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed. It was pleaded that copy of the satisfaction recorded by the Ld. Assessing Officer was provided to the assessee and further in the satisfaction note, the Ld. Assessing Officer has made a clear reference to the incriminating material, seized and belonging/pertaining to the assessee, during the course of search in the group.

In the satisfaction note, the Ld. Assessing Officer has also made reference to the statement given by the Shri Deepak Shah u/s 132(4) of the Act during search and admitting undisclosed income of Rs 7,25,00,000/- in the hands of the assessee on the basis of incriminating materials seized during search action u/s 132 of the Act in Swastik group of cases. The relevant part of the statement also abundantly reflects that the seized documents belong to the assessee. It is also pertinent to mention that Shri Deepak Shah, main person of the group, admitted the above undisclosed income based on the documents seized and belonging to the assessee, during search on the group cases on 31/07/2014. It was further pleaded that various references have been made to the incriminating documents belonging/pertaining to the assessee in the assessment orders u/s 144 r.w.s. 153A r.w.s. 153C of the Act for AY 2009-10 to 2015-16. The assessee was also given a copy of the satisfaction note and he has not raised any objection after that. It was for the assessee to explain as to if all the above documents did not belong to him, but only pertained to him, to whom these documents belong to. The documents and computer data are not immovable property that they belong only to the registered owner. The assessee is a Partnership firm and has no physical existence. The documents belonging to its members have to be treated as belonging to the assessee firm. There is no other way the firm can own a property. Shri Deepak Shah had admitted in his statement that the computer system seized during the search maintained the data belonging to the assessee and had also disclosed huge additional income belonging to the assessee firm in his statement recorded during the search.

19.1 The Ld. CIT-DR further pleaded that even if the assessee still persists in his objection, it may be sufficient to mention that the assessee shares common premises with the other group concerns whose name appeared in the search warrant. So practically it was as good as a search in the assessee's case. Not only the books of accounts etc belonging to the assessee were found during the search, but the soft data containing disclosed as well as undisclosed transactions of the assessee were maintained on the same system and the data belonging to the assessee were also seized during the search. Shri Deepak shah partner of the appellant firm admitted huge undisclosed income belonging to the assessee in his statements recorded during the search. Thus there cannot be a better case for issue of a notice us/ 153C of the Act for which our attention was invited to para-18 of the impugned order. So far as, appeal for Assessment Year 2009-10 is concerned, with respect to enhancing the income of the appellant by an amount of Rs. 26,74,08,400/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted. It was explained that the assessee has developed a project at Alkapuri. The assessee received amount on sale of FSI. The assessee was asked how the purchase of FSI was reflected in the books of accounts of the assessee and how the profit component on sale of FSI was offered to tax. However assessee failed to clarify the issue. Hence multiple additions were made in the hands of the assessee. The Ld. CIT(A) held that the cash received is nothing but additional profit earned outside the books. The Ld. CIT(A) opined that expenses are debited in the P&L account but the receipts are kept outside the books and hence the amount of cash received on sale of FSI is clearly liable to be added in total. The Ld. CIT(A) directed the Ld. Assessing Officer to add Rs.26,74,08,400/- to the total income of the assessee. Our attention was invited to para 142 of the impugned order. So far as, ground no.2(b) for Assessment Year 2009-10 is concerned with respect to enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs. 26,74,08,400/- on receipt basis ignoring the submission of the assessee that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. It was pleaded that the Ld. Commissioner of Income Tax (Appeal) held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added. For this proposition, our attention was invited to para 141 of the impugned order.

19.2. The Ld. CIT-DR with respect to ground no.2(C) for Assessment Year 2009-10 commented that the Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts. It was pleaded that the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added. Our attention was invited to para 141 of the impugned order.

19.3. With respect to ground no. 2(d) for Assessment Year 2009-10, the Ld. CIT-DR asserted that the Ld. CIT (Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3) of the Act. Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed. It was explained by the Ld. CIT-DR that from the record it is clear from the facts that the amount received in cash against sale of FSI has remained outside the books of the assessee. There is no dispute that this was a revenue receipt and taxable in the current asst. year. The assessee has taken an objection that the gross receipts should not be taxed as her income; the expenditure incurred should be allowed as a deduction. The claim is unacceptable because. There are no details made available of the expenditure which the appellant wants to claim (ii) the expenditure incurred in cash cannot be allowed as per provisions of section 40A(3) and may be against public policy. (iii) section 115 BBE prohibits such allowances. Our attention was invited to para 141 of the impugned order.

20. So far as Assessment Year 2010-11 (ground No.1) is concerned, the Ld. CIT-DR pleaded that the Ld. CIT (Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C of the Act without assuming valid jurisdiction. For assuming valid jurisdiction

for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed. It was commented that the AO provided a copy of the satisfaction recorded by her before issuing of the 153C notice. It may be mentioned here that the AO in the assessee case and in the cases of Deepak Shah etc where the search had been conducted is one and the same. There was no transfer of case records required. In the satisfaction note, the AO has made a clear reference to incriminating materials seized and belonging/ pertaining to the assessee during the course of search in the group. In the satisfaction note, the AO has also made reference to the statement given by the Shri Deepak Shah u/s 132(4) during search and admitting undisclosed income of Rs 7,25,00,000/- in the hands of the assessee on the basis of incriminating materials seized during search action u/ s 132 in Swastik group of cases. The relevant part of the statement also abundantly reflects that the seized documents belong to the assessee. Plea was also raised that Shri Deepak Shah, main person of the group, admitted the above undisclosed income based on the documents seized and belonging to the assessee, during search on the group cases on 31/07/2014. The Ld. CIT-DR explained that various references have been made to the incriminating documents belonging/ pertaining to the assessee in the assessment orders u/s 144 r.w.s. 153A r.w.s. 153C of the Act for AY 2009-10 to 2015-16. As per the Revenue, the assessee was also given a copy of the satisfaction note and he has not raised any objection after that. It was for the assessee to explain as to if all the above documents did not belong to him, but only pertained to him, to whom these documents belong to. The documents and computer data are not immovable property that they belong only to the registered owner.. The assessee is a Partnership firm and has no physical existence. The documents belonging to its members have to be treated as belonging to the assessee firm. There is no other way the firm can own a property. Shri Deepak Shah had admitted in his statement that the computer system seized during the search maintained the data belonging to the assessee and had also disclosed huge additional income belonging to the assessee firm in his statement recorded during the search. Even if the assessee still persists in his objection, it may be sufficient to mention that the assessee shares common premises with the other group concerns whose name appeared in the search warrant. So practically it was as good as a search in the assessee's case. Not only the books of accounts etc belonging to the assessee were found during the search, but the soft data containing disclosed as well as undisclosed transactions of the assessee were maintained on the same system and the data belonging to the assessee were also seized during the search. Shri Deepak shah partner of the appellant firm admitted huge undisclosed income belonging to the assessee in his statements recorded during the search. Thus there cannot be a better case for issue of a notice us/ 153C of the Act. Our attention was invited to para 18 of the impugned order.

20.1. So far as, ground nos. 2 (a) and 2(b) for A.Y 2010-11 is concerned, it was pleaded that the Ld. CIT

(Appeal) erred in confirming the action of the id. AO in making additions on account of unproved purchases to the tune of Rs. 50,00,000/- out of Rs. 3,36,34,541/-, without bringing any evidence to prove the same as unproved purchases and further confirming the addition on account of unproved purchases to the tune of Rs. 50,00,000/- out of Rs. 3,36,34,541/-, and not accepting the claim of the appellant to tax only certain percentage of profit. It was explained that **d**uring the assessment year under consideration the assessee had made certain purchases from the parties listed as hawala vendors by the sales tax department. The assessee was asked to prove the genuineness of the purchases. However the assessee has failed to substantiate his claim. Hence an amount of Rs.3,36,34,541/was added to the total income of the assessee. Later on it was found that purchases are from the notified parties. The Ld. CIT(A) held that the assessee was indulged in purchase inflation as there are some instances in which the assessee had received cash from these parties. The Ld. CIT(A) confirmed disallowance amounting to Rs. 50,00,000/- for AY 2010-11. The Ld. CIT(A) has disallowed purchases to this extent in entirety as the cash has been received back by the assessee and reject the contention of the assessee to tax only certain percentage of profit. Our attention invited to the paras 46, 47, 48 and 49 of the impugned order.

20.2. The Ld. counsel for the assessee with respect to ground no. 3(a) for Assessment Year 2010-11, pleaded that the Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs. 20,38,88,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted. It was explained that the **a**ssessee has developed a project at Alkapuri. The assessee received amount on sale of FSI. The assessee was asked how the purchase of FSI was reflected in the books of accounts of the assessee and how the profit component on sale of FSI was offered to tax. However assessee failed to clarify the issue. Hence multiple additions were made in the hands of the assessee. The Ld.

CIT(A) held that the cash received is nothing but additional profit earned outside the books. The Ld. CIT(A) opined that expenses are debited in the P&L account but the receipts are kept outside the books and hence the amount of cash received on sale of FSI is clearly liable to be added in total. The Ld. CIT(A) directed the AO to add Rs.20,38,88,000/- to the total income of the assessee. Our attention was invited to para 140 of the impugned order.

20.3. With respect to ground no.3(b) for Assessment Year 2010-11, it was pleaded that the Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs. 20,38,88,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. It was pointed out that so far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. Our attention was invited to para 141 of the impugned order.

20.4. So far as, ground no.3(c) for Assessment Year 2010-11, is concerned, it was pleaded that the Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could, be taxed as against taxation of the gross receipts. It was commented that so far as cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

20.5. With respect to ground no.3(d) for Assessment Year 2010-11, it was pleaded that the Ld. CIT (Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec.40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed. It was pointed out that from the facts that the amount received in cash against sale of FSI has remained outside the books of the assessee. There is no dispute that this was a revenue receipt and taxable in the current asst. year. The assessee has taken an objection that the gross receipts should not be taxed as her income; the expenditure incurred should be allowed as a deduction. The claim is unacceptable because there are no details made available of the expenditure which the appellant wants to claim (ii) the expenditure incurred in cash cannot be allowed as per provisions of section 40A(3) and may be against public policy. (iii) section 115 BBE prohibits such allowances.

21. So far as, ground no. 1 for Assessment Year 2011-12 is concerned, it was argued that the Ld. CIT (Appeals) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be. a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed. Plea was also raised that the Ld. Assessing Officer provided a copy of the satisfaction recorded by her before issuing of the 153C notice. It may be mentioned here that the AO in the assessee case and in the cases of Deepak Shah etc where the search had been conducted is one and the same. There was no transfer of case records required. A strong plea was

raised that in the satisfaction note, the AO has made a clear reference to incriminating materials seized and belonging/ pertaining to the assessee during the course of search in the group. In the satisfaction note, the AO has also made reference to the statement given by the Shri Deepak Shah u/s 132(4) during search and admitting undisclosed income of Rs 7,25,00,000/- in the hands of the assessee on the basis of incriminating materials seized during search action u/s 132 in Swastik group of cases. The relevant part of the statement also abundantly reflects that the seized documents belong to the assessee.It is also pertinent to mention that Shri Deepak Shah, main person of the group, admitted the above undisclosed income based on the documents seized and belonging to the assessee, during search on the group cases on 31/07/2014. Further, various references have been made to the incriminating documents belonging/ pertaining to the assessee in the assessment orders u/s 144 r.w.s. 153A r.w.s. 153C of the Act for AY 2009- 10 to 2015-16.

21.1. With respect to grounds no.2(a) and 2(b) for Assessment Year 2011-12 is concerned, it was pleaded that the Ld. CIT (Appeal) erred in confirming the action of the id. AO in making additions on account of unproved purchases to the tune of Rs. 1,71,57,700/- out of Rs. 12,72,50,083/-, without bringing any evidence to prove the same as unproved purchases. It was explained that during the assessment year under consideration the assessee had made certain purchases from the parties listed as Hawala vendors by the sales tax department. The assessee was asked to prove the genuineness of the purchases. However the assessee has failed to substantiate his claim. Hence an amount of Rs. 12,72,50,083/- was added to the total income of the assessee. Later on it was found that purchases of Rs.5,24,88,378/- only are from the notified parties and the remaining are regular purchases which might be allowed. The Ld. CIT(A) held that the assessee was indulged in purchase inflation as there are some instances in which the assessee had received cash from these parties. The Ld.CIT(A) confirmed disallowance amounting to Rs.1,71,57,700/- for AN 2011-12. The Ld. CIT(A) has disallowed purchases to this extent in entirety as the cash has been received back by the assessee and reject the contention of the assessee to tax only certain percentage of profit. Our attention was invited to pages 46 to 49 of the impugned order.

21.2. So far as, Assessment Year 2011-12, for ground nos. 3(a) and 3(b) is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal) erred in enhancing the income holding that the On-Money receipts of Rs. 3,08,82,227/- is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such On-Money. The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross unaccounted Receipt could be taxed. It was commented that the assessee has sold flats and received cash component on sale of flats in Durvas project. The total of agreement value is Rs.79,67,44,812/- and total of flat cost is Rs.86,67,30,436/-. The differential amount of Rs. 6,99,85,623/- is received in cash by the assessee as on money. The assessee was unable to explain the receipt of Rs.6,99,85,623/- hence the amount was added to the total income of the assessee. During the remand proceedings assessee admitted that Rs.3,91,03,404/was recorded in books of accounts and the balance amount of Rs.3,08,82,227/- was received in cash. The Ld. CIT(A) restricted the addition to the cash component of Rs.3,08,82,227/- and rejected the contention of the assessee of addition of only a% of the on money received. The Ld. CIT(A) held that the assessee has not brought anything on the record to show that he had incurred any expenditure over and above what has been recorded in the books and almost all the legally permissible expenses are accounted for by the assessee in his books and only the cash component received on sale consideration was kept outside the books. Our attention was invited to para 62 to 65 of the impugned order.

21.3. So far as, ground no. 4 (a) for Assessment Year 2011-12 is concerned, it was pleaded that the Ld. CIT(A) has erred in law and in facts in enhancing the income of the appellant by an amount of Rs. 22,70,77,755/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted. It was commented that multiple additions were made in the hands of the assessee. The Ld. CIT(A) held that the cash received is nothing but additional profit earned outside the books. The Ld. CIT(A) opined that expenses are debited in the P&L account but the receipts are kept outside the books and hence the amount of cash received on sale of FSI is clearly liable to be added in total. The Ld. CIT(A) directed the AO to add Rs.22,70,77,755/- to the total income of the assessee. Our attention was invited to para 142 of the impugned order.

21.4. So far as, ground no.4(b) for Assessment Year 2010-11, it was explained that the Ld. Commissioner of Income Tax (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs. 22,70,77,755/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. It was contended that the Ld. CIT(A) held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

21.5. So far as ground no.4(c) for Assessment Year 2011-12 is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal), further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts. It was pointed out that the Ld. Commissioner of Income Tax (Appeal) held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

21.6. So far as ground no. 4(d) for Assessment Year 2011-12, is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal) erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed. It was commented that it is clear from the facts that the amount received in cash against sale of FSI has remained outside the books of the assessee. There is no dispute that this was a revenue receipt and taxable in the current asst. year. The assessee has taken an objection that the gross receipts should not be taxed as her income, the expenditure incurred should be allowed as a deduction. The claim is unacceptable because there are no details made available of the expenditure which the appellant wants to claim (ii) the expenditure incurred in cash cannot be allowed as per provisions of section 40A(3) and may be against public policy. (iii) section 115 BBE prohibits such allowances.

22. Identical is the argument with respect to ground no.1 for Assessment Year 2012-13 and passing the assessment order under section 144 r.w.s 153C of the Act without assuming valid jurisdiction by pleading that for assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed.

22.1. With respect to ground no.2 for Assessment Year 2012-13, on account of additions to the returned income of the following items in absence of any incriminating material; Disallowance of Donation and Diwali Expense Rs.3,94,500/The above additions made are not supported by any incriminating document / evidences found in the course of search action u/s 132. These additions are prayed to be held as beyond the purview of assessments u/s 153A of the I. T. Act 1961 and are prayed to be deleted. It was pleaded that **t**he assessee has debited donation and diwali expenses of Rs.3,94,500/- which was not an allowable expense from P&L account. Assessee was asked to justify his claim with supporting documents. However assessee has failed to substantiate his claim. Hence an amount of Rs.3,94,500/- was added to the total income of the assessee. During the appellate proceedings the assessee again failed to argue in support of his claim. Hence the Ld. CIT(A) dismissed the appeal of the assessee on this ground. Our attention was invited to para 71 of the impugned order.

22.2. So far as ground no. 3 for Assessment Year 2012-13 is concerned, it was pleaded that Diwali Expense of Rs. 1,04,500/- were not adjudicating the ground treating the same as not pressed, which is allowable expense. The Ld. CIT(Appeal) ought to have held these expenses as allowable.

22.3. For Assessment Year 2012-13 with respect to ground no.4(a), it was pleaded that the Ld. CIT(A) has erred in law and in facts in enhancing the income of the assessee by an amount of Rs. 1,00,00,000/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted. It was explained that the assessee has developed a project at Alkapuri. The assessee received amount on sale of FSI. The assessee was asked how the purchase of FSI was reflected in the books of accounts of the assessee and how the profit component on sale of FSI was offered to tax. However assessee failed to clarify the issue. Hence multiple additions were made in the hands of the assessee. The Ld. CIT(A) held that the cash received is nothing but additional profit earned outside the books. The Ld. CIT(A) opined that expenses are debited in the P&L account but the receipts are kept outside the books and hence the amount of cash received on sale of FSI is clearly liable to be added in total. The Ld. CIT(A) directed the AO to add Rs. 1,00,00,000/- to the total income of the assessee. The Ld. CIT(A) rejected the contention of the assessee that the transaction with Anil Mehta did not materialize as the cash received has been counted in the cash flow chart. Our attention was invited to para 142 of the impugned order.

22.4. With respect to ground no. 4(b) for Assessment Year 2012-13, it was pleaded that the Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs. 1,00,00,000/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. It was commented that the Ld. Commissioner of Income Tax (Appeal), held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added. Our attention was invited to para 141 of the impugned order.

22.5. So far as, ground no. 4(c) for Assessment Year 2012-13, is concerned, it was argued that the Ld. Commissioner of Income Tax (Appeal) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts. It was commented that the Ld. CIT(A) held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L

account. There cannot be any further expenditure with respect to such transactions. The case is nothing but additional profit earned outside the ' expenses are debited in the P&L account but the rece11. kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

22.6. With respect ground no.4(d) for Assessment Year 2012-13, it was contended that the Ld. Commissioner of Income Tax (Appeal) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed. It was explained that it is clear from the facts that the amount received in cash against sale of FSI has remained outside the books of the assessee. There is no dispute that this was a revenue receipt and taxable in the current asst. year. The assessee has taken an objection that the gross receipts should not be taxed as her income; the expenditure incurred should be allowed as a deduction. The claim is unacceptable because (i) there are no details made available of the expenditure which the appellant wants to claim (ii) the expenditure incurred in cash cannot be allowed as per provisions of section 40A(3) and may be against public policy. (iii) section115 BBE prohibits such allowances. Our attention was invited to para 141 of the impugned order.

23. On ground no.1 for Assessment Year 2013-14, it was pleaded that the Ld. Commissioner of Income Tax (Appeal), erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 153C without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 153C there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed. It was pointed out that the Ld. Assessing Officer provided a copy of the

satisfaction recorded by her before issuing of the 153C notice. It may be mentioned here that the AO in the assessee case and in the cases of Deepak Shah etc where the search had been conducted is one and the same. There was no transfer of case records required. Plea was also raised that in the satisfaction note, the AO has made a clear reference to incriminating materials seized and belonging/ pertaining to the assessee during the course of search in the group. In the satisfaction note, the AO has also made reference to the statement given by the Shri Deepak Shah u/s 132(4) during search and admitting undisclosed income of Rs 7,25,00,000/- in the hands of the asses see on the basis of incriminating materials seized during search action u/s 132 in Swastik group of cases. The relevant part of the statement also abundantly reflects that the seized documents belong to the assessee. It is also pertinent to mention that Shri Deepak Shah, main person of the group, admitted the above undisclosed income based on the documents seized and belonging to the assessee, during search on the group cases on 31/07/2014. Further, various references have been made to the incriminating documents belonging/ pertaining to the assessee in the assessment orders u/s 144 r.w.s. 153A r.w.s. 153C of the Act for AY 2009-10 to 2015-16. The assessee was also given a copy of the satisfaction note and he has not raised any objection after that. It was for the assessee to explain as to if all the above documents did not belong to him, but only pertained to him, to whom these documents belong to. The documents and computer data are not immovable property that they belong only to the registered owner. The assessee is a Partnership firm and has no physical existence. The documents belonging to its members have to be treated as belonging to the assessee firm. There is no other way the firm can own a property. Shri Deepak Shah had admitted in his statement that the computer system seized during the search maintained the data belonging to the assessee and had also disclosed huge additional income belonging to the assessee firm in his statement recorded during the search. Even if the assessee still persists in his objection, it may be sufficient to mention that the assessee shares common premises with the other group concerns whose name appeared in the search warrant. So practically it was as good as a search in the assessee's case. Not only the books of accounts etc belonging to the assessee were found during the search, but the soft data containing disclosed as well as undisclosed transactions of the assessee were maintained on the same system and the data belonging to the assessee were also seized during the search. Shri Deepak shah partner of the appellant firm admitted huge undisclosed income belonging to the assessee in his statements recorded during the search. Thus there cannot be a better case for issue of a notice us/ 153C. (This issue is discussed in para 18 of the CIT(A)'s appeal order.)

23.1. So far asGround no. 2 for Assessment Year 2013-14, is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal) erred in confirming the action of the Ld. AO in the additions to the returned income of the following items in absence of any incriminating material. Disallowance of Donation and Diwali Expenses Rs. 10,48,310/- The above additions made are not supported by any incriminating document / evidences found in the course of search action u/s 132. These additions are prayed to be held as beyond the purview of assessments u/s 153A of the I. T. Act 1961 and are prayed to be deleted. It was pointed out by the Ld. Counsel for the assessee that the assessee has debited donation and Diwali expenses of Rs. 10,48,310/- which was not an allowable expense from P&L account. Assessee was asked to justify his claim with supporting documents. However assessee has failed to substantiate his claim. Hence an amount of Rs.10,48,310/- was added to the total income of the assessee. During the appellate proceedings the assessee again failed to argue in support of his claim. Hence the Ld. CIT(A) dismissed the appeal of the assessee on this ground. Our attention was invited to para 71 of the impugned order.

23.2. So far as, Ground no.3 for Assessment Year 2013-14, is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal) erred in confirming the addition of Rs. 90,00,000/- treating the receipts as unaccounted income of the appellant, without appreciating the fact on record. The Ld. CIT (Appeal) ought to have accepted the submission of the assessee and deleted the addition made. It was commented that the assessee has received an amount of Rs.90,00,000/- and paid Rs.1,65,00,000/- as evident from the CRZ(Coastal Regulatory Zone) statement. The assessee was asked about the source of funds utilized for making the payment and whether the receipts were offered for tax and whether these transactions were reflected in the books of accounts of the assessee. However assessee failed to explain the same with supporting evidences. Hence an amount of Rs.2,55,00,000/- was added to the total income of the assessee. During the appellate proceedings the assessee submitted that the transaction noted on seized documents are incorporated in the cash flow statement which proved that the assessee has received the same amount in cash and the receipts are also not reflected in the books of accounts of the assessee and also not offered for tax. The Ld. CIT(A) accepted the contention of the assessee that the cash received on sale of FSI may be treated as the source of payment The Ld. CIT(A) restricted the addition to Rs.90,00,000/-. Our attention was invited to para 77,78 and 79 of the impugned order.

23.3. Identically for ground no. 4 for Assessment Year 2013-14, it was pointed out that the Ld. CIT (Appeal) erred in confirming the disallowance of Diwali Expense of Rs. 5,96,310/- by not adjudicating the ground treating the same as not pressed, which is allowable expense.

23.4. So far as, ground no. 5(a) for Assessment Year 2013-14, is concerned, it was explained that the Ld. Commissioner of Income Tax (Appeal), erred in law and in facts in enhancing the income of the appellant by an amount of Rs. 21,71,58,423/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted. It was explained that the assessee has developed a project at Alkapuri. The assessee received amount on sale of FSI. The assessee was asked how the purchse of FSI was reflected in the books of accounts of the assessee and how the profit component on sale of FSI was offered to tax. However assessee failed to clarify the issue. Hence multiple additions were made in the hands of the assessee. The Ld. CIT(A) held that the cash received is nothing but additional profit earned outside the books. The Ld. CIT(A) opined that expenses are debited in the P&L account but the receipts are kept outside the books and hence the amount of cash received on sale of FSI is clearly liable to be added in total. The Ld. CIT(A) directed the AG to add Rs.21,71,58,423/- to the total income of the assessee. Our attention was invited to para 142 of the impugned order.

23.5. With respect to ground no.5(b) for Assessment Year 2013-14, it was contended that the Ld. CIT (Appeal) has further erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs. 21,71,58,423/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. It was pointed out that the Ld. Commissioner of Income Tax (Appeal) held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

23.6. So far as, Ground no.5(c) for Assessment Year 2013-14, is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts. Our attention was invited to the conclusion drawn by the Ld. Commissioner of Income Tax (Appeal), wherein, it was held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

23.7. With respect to ground no.5(d) for Assessment Year 2013-14, it was argued that the Ld. CIT (Appeals) has erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed. Plea was also raised that it is clear from the facts that the amount received in cash against sale of FSI has remained outside the books of the assessee. There is no dispute that this was a revenue receipt and taxable in the current asst. year. The assessee has taken an objection that the gross receipts should not be taxed as her income; the expenditure incurred should be allowed as a deduction. The claim is unacceptable because (i) there are no details made available of the expenditure which the appellant wants to claim (ii) the expenditure incurred in cash cannot be allowed as per provisions of section 40A(3) and may be against public policy. (iii) section 115 BBE prohibits such allowances.

24. So far as, Assessment Year 2014-15 (ground no.1) is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal) erred in confirming the action of the Ld. A.O. in the assessment u/s 144 r.w.s. 1530 without assuming valid jurisdiction. For assuming valid jurisdiction for assessment u/s 1530 there ought to be a seizure of incriminating documents in the search in the premises of the searched person as belonging to the appellant. Since no document belonging to the appellant is found, the impugned assessment made is prayed to be held as void and invalid deserving to be quashed. In further reply, it was pleaded that the ld. Assessing Officer provided a copy of the satisfaction recorded by her before issuing of

the 153C notice. It may be mentioned here that the AO in the assessee case and in the cases of Deepak Shah etc where the search had been conducted is one and the same. There was no transfer of case records required. In the satisfaction note, the AO has made a clear reference to incriminating materials seized and belonging/ pertaining to the assessee during the course of search in the group. Plea was also raised that in the satisfaction note, the AO has also made reference to the statement given by the Shri Deepak Shah u/s 132(4) during search and admitting undisclosed income of Rs 7,25,00,000/- in the hands of the assessee on the basis of incriminating materials seized during search action u/s 132 in Swastik group of cases. The relevant part of the statement also abundantly reflects that the seized documents belong to the assessee. It was time and again contended that Shri Deepak Shah, main person of the group, admitted the above undisclosed income based on the documents seized and belonging to the assessee, during search on the group cases on 31/07/2014. Further, various references have been made to the incriminating documents belonging/ pertaining to the assessee in the assessment orders u/s 144 r.w.s. 153A r.w.s. 153C of the Act for AY 2009-10 to 2015-16. The assessee was also given a copy of the satisfaction note and he has not raised any objection after that. It was for the assessee to explain as to if all the above documents did not belong to him, but only pertained to him, to whom these documents belong to. The documents and computer data are not immovable property that they belong only to the registered owner. The assessee is a Partnership firm and has no physical existence. The documents belonging to its members have to be treated as belonging to the assessee firm. There is no other way the firm can own a property. Shri Deepak Shah had admitted in his statement that the computer system seized during the search maintained the data belonging to the assessee and had also disclosed huge additional income belonging to the assessee firm in his statement recorded during the search. Time and again the ld. CIT-DR repeated that even if the assessee still persists in his objection, it may be sufficient to mention that the assessee shares common premises with the other group concerns whose name appeared in the search warrant. So practically it was as good as a search in the assessee's case. Not only the books of accounts etc belonging to the assessee were found during the search, but the soft data containing disclosed as well as undisclosed transactions of the assessee were maintained on the same system and the data belonging to the assessee were also seized during the search. Shri Deepak shah partner of the appellant firm admitted huge undisclosed income belonging to the assessee in his statements recorded during the search. Thus there cannot be a better case for issue of a notice us/ 153C. Our attention was invited to para 18 of the impugned order.

24.1. So far as, Ground No- 2(a) for Assessment Year 2014-15, is concerned, it was pleaded that the Ld. Commissioner of Income Tax (Appeal), erred in law and in facts in enhancing the income of the appellant by an amount of Rs. 7,64,73,407/- in relation to the sale of land / FSI without affording a reasonable opportunity of showing cause against such enhancement as mandated u/s. 251(2) and hence the same is prayed to be cancelled / deleted. It was explained that the assessee developed a project at Alkapuri. The assessee received amount on sale of FSI. The assessee was asked how the purchase of FSI was reflected in the books of accounts of the assessee and how the profit component on sale of FSI was offered to tax. However assessee failed to clarify the issue. Hence multiple additions were made in the hands of the assessee. The Ld. CIT(A) held that the cash received is nothing but additional profit earned outside the books. The Ld. CIT(A) opined that expenses are debited in the P&L account but the receipts are kept outside the books and hence the amount of cash received on sale of FSI is clearly liable to be added in total. The Ld. CIT(A) directed the AO to add Rs. 7,64,73,407/- to the total income of the assessee.

24.2. Identically, for Assessment Year 2014-15, (ground no.2(b)), it was pleaded that the Ld First Appellate Authority, further, erred in enhancing the income of the year under consideration, from the sale of FSI by an amount of Rs. 7,64,73,407/- on receipt basis ignoring the submission of the appellant that such receipt was liable to be taxed in the year in which the conveyance was effected as per the regularly followed method. It was pointed out that the First Appellate Authority held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added. (This issue is discussed in Para no. 141 of the Ld.CIT(A)'s order).

24.3. Identically, with respect to Ground no. 2(c) for Assessment Year 2014-15, it was pleaded that the Ld. CIT(A) further erred in law and in facts in rejecting the alternate contention of the appellant that the enhanced Sale Receipts towards the sale of land is to be taxed on gross receipt basis without allowance of any expenditure there against despite overwhelming evidences of expenses incurred out of such proceeds (Unaccounted Expenses). The Ld. CIT (Appeals) ought to have held that only the profit embedded in such receipts could be taxed as against taxation of the gross receipts. It was explained that the Ld. First Appellate Authority held that as far as the cash received on sale of FSI is concerned, the same relates to transactions already completed and the resultant profit from the cheque part booked in the P&L account. There cannot be any further expenditure with respect to such transactions. The cash received is nothing but additional profit earned outside the books. The expenses are debited in the P&L account but the receipts are kept outside the books. The amount of cash received on sale of FSI is clearly liable to be added.

24.4. Identical argument was repeated for Assessment Year 2014-15 with respect to ground no. 2(d) by contending that the Ld. Commissioner of Income Tax (Appeal) erred in law and in facts in upholding the action of the findings of the Ld. A.O. with respect to the rejection of claim of expenses not accounted in the regular books (unaccounted cash expenses) by invoking the provisions of Sec. 40A(3). Provisions of Sec. 40A(3) could not be invoked in relation to the expenses which are unaccounted and it may please be held so and appropriate directions for allowance of the expenses may please be directed. It was pleaded that it is clear from the facts that the amount received in cash against sale of FSI has remained outside the books of the assessee. There is no dispute that this was a revenue receipt and taxable in the current asst. year. The assessee has taken an objection that the gross receipts should not be taxed as her income; the expenditure incurred should be allowed as a deduction. The claim is unacceptable because(ii) There are no details made available of the expenditure which the appellant wants to claim (ii) the expenditure incurred in cash cannot be allowed as per provisions of section 40A(3) and may be against public policy. (iii) section115 BBE prohibits such allowances (This issue is discussed in para. 141 of the CIT(A)'s appeal order.)

25. Without going into much deliberation, we note that identical are the grounds in all the Assessment Years for which similar arguments were advanced from both sides. The assessee has also filed synopsis/written submissions, therefore, the same are not being repeated here, being matter of record. The crux of the argument, on behalf of the assessee is that sufficient and reasonable

opportunity of being heard/substantiating the cases were not provided by the ld. Assessing Officer as well as by the Ld. Commissioner of Income Tax (Appeal). Our attention was invited to various case laws which are also available on record.

26. We have considered the rival submissions and perused the material available on record. If the observation made in the assessment order, leading to addition made to the total income, conclusion drawn in the impugned order, material available on record, assertions made by the ld. respective counsel, if kept in juxtaposition and analyzed, the facts, in brief are that a search and seizure action was carried out on Swastik Group on 31/07/2014. There are certain issues, which are common to all Assessment Years and there are certain issues which are specific to the particular Assessment Year. Broadly, the assessment orders were passed under section 144 of the Act. As per the Revenue, the assessee did not comply with the notices/show cause notice, issued by the Ld. Assessing Officer to submit necessary details in spite of opportunities provided to the assessee. Detailed discussion has been

made in the assessment order, therefore, the same is not being repeated, being matter of record. The assessee also furnished additional evidences before the Ld. Commissioner of Income Tax (Appeal), which was objected to by the Ld. Assessing Officer. The grudge of the Revenue is that in spite of repeated opportunities, the assessee did not furnish the necessary details. The plea of the assessee before the Ld. Commissioner of Income Tax (Appeal) as well as before this Tribunal is that the last such adjournment was sought on 16/08/2015 for the reasons that due to continuous holidays, the details could not be ready by the next date given by the Ld. Assessing Officer. It is noted that even the assessment order is silent as to why this adjournment request was rejected. Even identical observation has been made in the impugned order (for ready reference the case of Deepak Purshottam Shah, para-8). The observation made therein is reproduced hereunder for ready reference:-

> *"8.The assessment order is silent as to why this adjournment request was rejected. There is no mention in the assessment order as to whether the appellant was even informed of rejection of his request for further time. It is an admitted fact that the search in the appellant's case had thrown up complex numerous issues, the material to be scrutinized was voluminous and the affairs of the group were not well organized. Hence the request for adjournment cannot be considered to be unreasonable. It is mentioned in the*

*Assessing Officer's report that after the search the appellant had almost 18 months to prepare himself, therefore request for further time was unjustified. But then the Assessing Officer and the departmental machinery also had the same time to make enquiries and sort out the issues. It does not appear from the assessment order that the Assessing Officer considered this time sufficient to scrutinize the seized material, make necessary enquiries and pass a well reasoned order. Most of the addition sin the assessment order are made on the sole basis that the assessee failed to explain. There is hardly and scrutiny of the seized material or any other enquiries conducted by the Assessing Officer. It is apparent that the Assessing Officer did not find the same 18 months enough to make enquiries or scrutinize the seized material in a meaningful way. The Assessing Officer could pass such a casual asst because it is somebody else's money that was at the stake. The appellant could not have complied with the Assessing Officer's notice in the same casual manner.*

*9. The remand report submitted by the Assessing Officer during the appeal proceedings itself shows that the impugned assessments contain high pitched additions, duplicate addition of the same amount in different assessment years and also contain additions on account of income pertaining to other persons. As against the total assessed income of Rs.1353.17 crores in the six Assessment Years involved in these appeals, the Assessing Officer, in the remand report has asked for confirmation of the additions to the extent of total 157.43 crore only. Thus, the Assessing Officer herself has suggested deletion of about 90% of the additions made in the ex-parte assessment. When the various additions made in the appellant's case are so evidently and admittedly either incorrect or high pitched, it will be travesty of justice if one does not attempt to set right the facts and decide the appeals on merit considering the relevant material.*

*10. Admission of additional material may in certain circumstances be actually duty of the appellate authority when such material is required or rather becomes essential to dispose of the issues raised in the appeal."*

We have also perused the ex-parte assessment orders framed under section 144 of the Act. The cases were centralized to Central Circle-2, Thane, vide order under section 127 by the Ld. Commissioner. Even the Ld. Assessing Officer recorded a finding that show-cause notice was issued to the assessee on 11/07/2016 and the premises of the assessee were searched on 31/07/2014, thus, the assessees were having sufficient time to gather the details/to file submissions. From the above factual finding recorded by the First Appellate Authority, it is clear that even the Ld. Assessing Officer did not mention about rejection of adjournment request made by the assessee and also there is no mention that the assessee was never informed about the request of rejection and in the impugned cases, there are complex issues and the voluminous material was to be scrutinized. It is further observed that the request for adjournment cannot be considered to be unreasonable. Before us also, the crux of argument, on behalf of the assessee is that the Ld. Assessing Officer did not provide sufficient opportunities, thus, the assessee was unable to furnish the necessary details to substantiate the cases. Even in the assessment orders and also in the remand report, the Ld. Assessing Officer himself mentioned that there are certain high pitched addition/duplicate additions of the same amount in different Assessment Years and also certain additions on account of income pertaining to other persons. So far as, the assessment orders are concerned, we are unable to understand when the show cause notice itself was issued on 11/07/2016, how a reply can be expected within no time from the assessees. However, fact remains that the assessment orders were framed under section 144 of the Act meaning thereby the assessee was prevented to make an effective representation before the Ld. Assessing Officer. Before us, the crux of the argument on behalf of the assessee is that sufficient opportunity was not provided to the assessee. Another argument, raised before us, on behalf of the assessee, is that the relief which was granted to the assessee by the Ld. Commissioner of Income Tax (Appeal) may be upheld and the relief which was not granted, for which the matter may be sent back to the file of the Ld. Assessing Officer because the assessee cannot be put to further hardship. Admittedly, the record was voluminous and sufficient time was not provided to the assessees after issuance of show cause notice, by the Revenue, therefore, the assessee could not furnish the reply/other details as desired by the Revenue. At the same time, there is a delay in issuing the show cause notice by the ld. Assessing Officer also. So far as, the argument of the ld. counsel for the assessee to the effect that the part relief which was granted by the First Appellate Authority, to the assessee, may be sustained and for the remaining portion which was decided against the assessee may be sent back to the ld. Assessing Officer for fresh consideration, is concerned, we do not agree with this proposition of the ld. counsel for the assessee, which is against the principle of natural justice because if the matter is to be adjudicated afresh then it has to be adjudicated in toto as the assessee could not file necessary details before the Ld. Assessing Officer. The assessee may not be permitted to pick and choose. Even as per the mandate of Article 265 of the Constitution of India, only due taxes has to be levied/collected. Thus, in all fairness and keeping in view the principle of natural justice, the assessees are directed to furnish necessary evidence, if any, in support of their/its claim before the ld. Assessing Officer, consequently, we deem it appropriate to remand all these appeals (the assessee as well as of the Revenue) to the file of the ld. Assessing Officer for fresh adjudication in accordance with law. Needless to mention here that the assessee be provided sufficient opportunity of being heard. Thus, the appeals of the assessees as well as of the Revenue are allowed for statistical purposes.

Finally, all the appeals are allowed for statistical purposes.

This order was pronounced in the open court on 28/11/2018.

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| ***Sd/-*** | ***Sd/-*** |
| (N.K. Pradhan) | (Joginder Singh) |
| **लेखा सदस्य** / ACCOUNTANT MEMBER | **उपाध्यक्ष**/VICE PRESIDENT |

मुंबईMumbai; दिनांक Dated : **28/11/2018**

Thirumalesh, Sr. P.S. & *Shekhar, P.S.*/नि.स.,

**<u>आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to</u> :**

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त,(अपील) / The CIT, Mumbai.
4. आयकर आयुक्त / CIT(A)-      , Mumbai
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई / DR, ITAT, Mumbai
6. गार्ड फाईल / Guard file.

**आदेशानुसार/** BY ORDER,

**उप/सहायक पंजीकार** (Dy./Asstt.Registrar)

**आयकर अपीलीय अधिकरण,** मुंबई **/ ITAT, Mumbai**