IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "SMC" NEW DELHI

BEFORE SHRI YOGESH KUMAR US, JUDICIAL MEMBER
AND
SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER

आ.अ.सं/.I.T.A No.270/DDN/2025
निर्धारणवर्ष/Assessment Year: 2017-18

SAROJ AGARWAL, H.No.24, Kichha Road, Sunny Dales, Rudrapur Udham Singh Nagar, Rudrapur, Uttarakhand 263153. PAN No.AHAPA3175D	**बनाम** **Vs.**	ACIT, Circle 2(1)(1), Office of Income Tax Department, Gaulapar, Haldwani, Uttarakhand 263139
अपीलार्थी Appellant		**प्रत्यर्थी/Respondent**

Assesseee by	Shri Prashant Kacker, CA
Revenue by	Shri Amar Pal Singh, Sr. DR

सुनवाईकीतारीख/ Date of hearing:	06.04.2026
उद्घोषणाकीतारीख/Pronouncement on	22.04.2026

आदेश /O R D E R

PER SANJAY AWASTHI, ACCOUNTANT MEMBER:

1. This appeal arises from order dated 25.11.2025, passed u/s 250 of the Income Tax Act, 1961 (hereafter as "the Act"), by Addl./JCIT(Appeals)-2, Surat. In this case, the main issue pertains to loans taken by the assesseee from five persons amounting to Rs.41,00,000/-. The Ld. AO, after verification and examination of documents, allowed the loans from one Abdul Rahuf and Shubham Agarwal. However, he added the loan amounts pertaining to Faeem

Ahmad, Firojali and Waseem amounting to Rs.24 lakhs. This amount has been added u/s 68 of the Act.

1.1 The assessee approached the Addl./JCIT(Appeals) where he could succeed in part, pertaining to loans taken from Faeem Ahmad and Firojali, but the loan amount from Mr. Waseem was held to be unverified on the ground that it was interest free, without TDS and the repayment details were not provided.

1.2 Further aggrieved, the assessee has approached the ITAT with grounds challenging the findings given in the impugned order.

2. Before us the Ld. AR stated that the loan obtained from Mr. Waseem was actually repaid on 04.01.2020 and in support of this claim certain bank documents have been filed at page 63 of the paper book. It was argued that even though this document was not before the Ld. AO but if repayment of loan was the deciding factor, then this document would clinch the issue in favour of the assessee.

2.1 The Ld. DR relied on the orders of the authorities below and mentioned that the documents pertaining to repayment of loan could not have been before the Ld. AO since they were obtained after the date of the assessment order.

3. We have considered the rival submissions and have gone through the records. It is seen that the assessee has repaid the loan as is visible from the bank statement placed before us. However, for all intents and purposes, this is a new document and would have some value in determining whether the impugned amount deserves to be visited with the rigors of section 68 of the Act or not. Accordingly, we deem it fit to set aside the impugned order on the limited issue of the loan amount pertaining to Mr. Waseem and remanding this matter back to the file of Ld. AO for examination of the documents available pertaining to Mr. Waseem and thereafter passing a speaking order on merits regarding the loan from Mr. Waseem. On this limited issue this matter is remanded to the file of the Ld. AO.

4. In the result, this appeal is allowed for statistical purpose.

Order pronounced in the open court on 22.04.2026

Sd/-	**Sd/-**
(YOGESH KUMAR US)	**(SANJAY AWASTHI)**
JUDICIAL MEMBER	**ACCOUNTANT MEMBER**

Dated: 22.04.2026

**Kavita Arora, Sr. P.S.*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT

4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI