



GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT



To,
BASUKINATH SHIV MANDIR NYAS SAMITY
- BASUKINATH TEMPLE ,BASUKINATH
DUMKA
DUMKA 814101 ,Jharkhand
India

PAN:
AACTB3742N

Assessment Year:
2019-20

Date:
21/02/2024

DIN:
ITBA/AST/F/144(SCN)/2023-
24/1061260453(1)

Show cause Notice as to why the proposed variation should not be made

Ms/ Mr/ M/s,

Kindly refer to ongoing assessment proceedings in your case for the Assessment Year **2019-20**.

2. The following variation(s) prejudicial to your interest are proposed to be made in your case:-

1. Reasons for selection of the case and Type of Case Background facts:

1.1. The Assessee Trust BASUKINATH SHIV MANDIR NYAS SAMITY PAN: AACTB3742N has not filed its return of income for the A.Y- 2019-20. In this case, information is available with the department that the assessee has a cash deposit of Rs. 1,72,22,217/- in the saving account having A/ c No. 910010037645303 maintained with Axis Bank Limited.

1.2. Necessary proceedings u/s 148A of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') was done by the Jurisdictional Assessing Officer (the JAO) and order u/s 148A(d) of the Act was passed by the JAO on 30/03/2023 after obtaining the prior approval of the statutorily specified and competent Authority along the following lines:

“

Thus, the assessee has failed to discharge the legal obligation, cast upon the assessee, by virtue of provisions of section 139(4A) of the Act, wherein the assessee was legally bound to file its ITR-7 for the said A.Y., within the due date outlined for the said purpose, but the assessee failed to fulfill the legal obligation.

Moreover, nothing has been brought on record by assessee to help substantiate, examine and verify the source, nature and genuineness of the cash deposits in the bank account of the assessee, in the said F.Y., to tune of Rs. 1,72,22,217/-.

Hence, under the said facts and circumstances of the case, as discussed

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hereinabove, in the absence of ITR filed by the assessee for the A.Y. 2019-20, and nothing placed on record or submitted by the assessee, to prove and establish beyond doubt, the source, nature and genuineness of the cash deposits made by the assessee to the tune of Rs. 1,72,22,217/- in the given F.Y., it can be reasonably, justifiably and logically concluded and deduced, that the income of the assessee, to the extent of Rs. 1,72,22,217/- has escaped assessment for the A.Y.2019-20 within the meaning of section 147 of the Act. It is thus a fit case for issue of notice u/s 148 of the Act.”

1.3. This amount is well beyond the maximum amount not chargeable to tax. Therefore, it is evident that income chargeable to tax has escaped assessment. Subsequently, the case was reopened and notice u/s 148 of the Act was issued to the assessee.

2. Details of opportunities given:

Type of notice/ communication	Date of notice/ communication	Date of compliance given	Response of the assessee received/ not received	Date of response if received	Response type (Full/ part/ adjournment)	Remarks if any.
Notice u/s 148	30-03-2023	-	ITR Not filed	-	-	-
Intimation Letter	04-07-2023	-	Not Received	-	-	-
Notice u/s 142(1)	04-10-2023	19-10-2023	Not Received	-	-	-
Reminder	07-11-2023	5days	Not Received	-	-	-
SCN u/s 144	10-01-2024	15-01-2024	Not Received	-	-	-
SCN	17-01-2024	25-01-2024	Not Received	-	-	-

3. Variation proposed:

3.1. Complete description of issues involved (issue wise): As per Para 1 supra.

3.2. Synopsis of all submissions of the assessee relating to the issue and indicating the dates of submission: No response filed till date.

3.3 Summary of information / evidence collected which proposed to be used against it:

3.3.1. Vide notice u/s. 142(1) dated 06/10/2023, the assessee was requested to furnish the following details on or before 21/10/2023:

- "1. Computation of total income for the year under consideration.*
- 2. Brief note on the business activity carried out during the year under consideration.*
- 3. Complete details of the Bank accounts e.g., Name of the Bank and Branch, Account number, IFSC code.*
- 4. Please furnish copy of audited books of accounts along with all annexure for the year under consideration.*
- 5. Please furnish copy of trust deed.*
- 6. Please furnish documentary evidence of registration of Trust u/s. 12A of the Act.*
- 7. Please furnish details and documentary evidence of receipts during the year under consideration.*
- 8. Please furnish details and documentary evidence of expenses made during the year under consideration along with documents substantiating the fact that the expenses have been done towards object of the trust.*
- 9. As per information available with the Department, it is found that you had deposited Rs. 1,72,22,217/- in your bank account maintained with Axis Bank Ltd. In this regard, you are requested to furnish source of such cash deposited in your bank account and its treatment while computing your total income.*
- 10. It is also seen that you have not filed your return of income u/s. 139 of the Act. In this regard, you are hereby show-caused to explain as to why penalty proceedings u/s. 271F should not be imposed for not filing ITR u/s. 139 of the Act.*
- 11. Any other information/ documents/ evidence you may want to furnish in support of your submission and the issues enumerated above."*

However, no response to the notice u/s. 142(1) was filed by the assessee.

3.3.2. For the sake of natural justice, the assessee was given one more opportunity by issuing reminder letter dated 07/11/2023 to comply with the notice u/s. 142(1) but again the assessee did not comply with the notices.

3.3.3. Despite several opportunities, the assessee had failed to furnish details and source of above mentioned credits in the bank account. Furthermore, the assessee has also not filed return of income in response to notice u/s. 148 of the Act.

3.3.4. As there was no compliance from the end of the assessee, Show Cause notice to finalize the assessment u/s. 144 of the Act was issued to the assessee on 10/01/2024. However, the assessee still did not submit any response. Hence, there is no other option but to pass the Assessment Order u/s 144 of the Act on the basis of materials available on records. **Penalty u/s 272A(1)(d) of the Act is initiated for non-compliance to notice u/s 142(1) of the Act dated 04/10/2023.**

3.3.5. A show-cause notice proposing addition of Rs. 2,24,06,217/- as unexplained money and Rs. 17,71,864/- as income from other sources was also sent to the assessee on 17/01/2024, as a part of assessment proceedings and the assessee was required to file response against the same within 25/01/2024. However, the assessee did not file any response to the SCN.

3.4. Variation proposed on the basis of inference drawn:

3.4.1. To verify the cash deposits, notice u/s. 133(6) was issued to Axis Bank and Union Bank (erstwhile Allahabad Bank). Vide submission dated 12/01/2024, the Axis Bank furnished its response to notice u/s. 133(6). On perusal of same, it is seen that the assessee had maintained bank accounts with Axis Bank and the total amount credit entries including cash deposits reflected in the account statement is Rs. 1,93,26,806/-.

3.4.2. Further, on perusal of details available with the department, it is seen that the assessee had also deposited cash amounting to Rs. 51,84,000/- in the saving account bearing A/c No. 50286086900 maintained with Indian Bank (erstwhile Allahabad Bank).

3.4.3. In this connection, Section 69A of the Income-tax Act, 1961 states that,

Unexplained money, etc.

69A. Where in any financial year the assessee is found to be the owner of any money, bullion, jewellery or other valuable article and such money, bullion, jewellery or valuable article is not recorded in the books of account, if any, maintained by him for any source of income, and the assessee offers no explanation about the nature and source of acquisition of the money, bullion, jewellery or other valuable article, or the explanation offered by him is not, in the opinion of the Assessing Officer, satisfactory, the money and the value of the bullion, jewellery or other valuable article may be deemed to be the income of the assessee for such financial year.

3.4.4. During the ongoing assessment proceeding, the assessee had not furnished any books of accounts and also did not offer any explanation regarding the amount credited (including cash deposits) in the bank accounts maintained by the assessee to the tune of Rs. 2,45,10,806/- (i.e., Rs. 1,93,26,806/- + Rs. 51,84,000). Hence, the same is added to the total income of the assessee u/s 69A of the Act and taxed as per the provisions of section 115BBE of the Act. **Penalty u/s 271AAC(1) of the Act is initiated for this issue.**

[Addition: Rs. 2,45,10,806/-]

3.4.5. It is also seen from the Interest certificate submitted by the Axis Bank that the assessee had received interest to the tune of Rs. 17,71,864/- during the year. Hence, the same is added to the total income under the head 'Income from other source' of the assessee. **Penalty u/s 270A of the Act is initiated for under-reporting of income for this issue.**

[Addition: Rs. 17,71,864/-]

3.4.6. It is pertinent to mention here that in case of non-compliance to this notice, assessment proceedings shall be completed on the basis of information available on record on the above lines without giving any further opportunity to you.

You are hereby given an opportunity to show cause why proposed variation should not be made and the assessment should not be completed accordingly.

3. Kindly submit your response through your registered e-filing account at www.incometax.gov.in by 19:00 hours of 24/02/2024, whereby you may either:-

- a. accept the proposed variation; or
- b. file your written reply objecting to the proposed variation; or
- c. If required, in addition to filing written reply you may request for personal hearing so as to make oral submissions or present your case. The request **can only be** made by clicking the Seek Video Conferencing button available against the SCN, in the view notices of this proceeding in the e-proceedings tab on e-filing portal. The request can be made only before expiry of compliance date & time through video conference.

4. In case no response is received by the given time and date, the assessment shall be finalized taking into account the variation(s) stated above.

Assessment Unit
Income Tax Department