

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : SMC : NEW DELHI

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

ITA No.2549/Del/2017
Assessment Year : 2010-11

Debajeet Narzary,
A-145, Ground Floor,
Rama Park, Uttam Nagar,
New Delhi.

Vs. ITO,
Ward-61(4),
New Delhi.

PAN: ADTPN2026M

(Appellant)

(Respondent)

Assessee By : Shri K.K. Samantaray, CA
Department By : Shri T. Vasanthan, Sr. DR

Date of Hearing : 18.10.2017
Date of Pronouncement : 18.10.2017

ORDER

This appeal by the assessee is directed against order passed by the
ld. CIT(A) on 31.01.2017 in relation to the assessment year 2010-11.

2. The assessee is aggrieved against the confirmation of addition of Rs.4,40,806/-,being, cash deposited in bank which has been treated as unexplained.

3. Briefly stated, the facts of the case are that the assessee deposited certain amounts in his bank accounts maintained with ICICI Bank and Kotak Mahindra Bank Ltd., as under:-

Date of Transaction	Amount credited [in Rs.]	Nature of entry
28/10/2009	97,306	Credit entry
06/02/2010	49,500	Cash deposit
08/03/2010	49,000	Cash deposit
09/03/2010	49,000	Cash deposit
30/03/2010	49,000	Cash deposit
TOTAL	2,93,806/-	

Date of Deposit	Amount deposited in cash [in Rs.]
08/03/2010	49,000
09/03/2010	49,000
30/03/2010	49,000
TOTAL	1,47,000/-

4. In the absence of any satisfactory reply filed by the assessee in support of the cash deposits, the Assessing Officer made addition for a

sum of Rs.4,40,806/- being sum total of the above two tables. The Id. CIT(A) confirmed the addition.

5. I have heard the rival submissions and perused the relevant material on record. There are four cash deposits of Rs.49,000/- each on 08.03.2010 and 09.03.2010. The assessee submitted that such total sum of Rs.1.96 lac was deposited on receipt from his mother. Page 48 of the paper book is a copy of bank account of the assessee's mother, which is a running account having several transactions. The assessee's mother is an employee. Out of deposits aggregating over a period, she withdrew a sum of Rs.2 lac on 08.03.2010, which has been claimed as the source of the deposit by the assessee in his bank account to the tune of Rs.1,96,000/-. I, therefore, treat this source as explained and order for the deletion of addition to the extent of Rs.1.96 lac.

6. There are other three entries: (i) of Rs.49,500/-, being, cash deposited on 06.02.2010; and (ii) two entries of cash deposit of Rs.49,000/- each on 30.03.2010. The Id. AR has placed on record withdrawals made by the assessee from his bank accounts to the tune of

Rs.8,31,900/-, a part of which totaling to Rs.1,47,500/- being the total of the above three transactions was re-deposited. Since the amount of withdrawals is much more than the amount of re-deposits and the Revenue has brought any material on record that the entire amount withdrawn was spent elsewhere, I accept the assessee's explanation to this extent. Therefore, addition to the tune of Rs.1,47,500/- is deleted.

7. The ld. AR did not press for the remaining addition of Rs.97,306/-, which is hereby confirmed.

8. In the result, the appeal filed by the assessee is partly allowed.

The order pronounced in the open court on 18.10.2017.

Sd/-

[R.S. SYAL]
VICE PRESIDENT

Dated, 18th October, 2017.

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Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT (A)
5. DR, ITAT

AR, ITAT, NEW DELHI.