

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'G', NEW DELHI**

**BEFORE SH. G.D.AGARWAL, PRESIDENT  
AND SH. KUL BHARAT, JUDICIAL MEMBER  
ITA No. 2997/Del./2015 : Asstt. Year : 2011-12**

Sherawali Yarns Pvt. Ltd. 14D, 14 <sup>th</sup> Floor, Hansalaya, 15, Barakhamba Road New Delhi PAN : AAICS3421L	Vs	ACIT Central Circle, Bhainsali Road Meerut
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>

**Appellant by : Sh. Suvinay Dash, Adv.  
Respondent by : Sh. Kaushlendra Tiwari, Sr. DR**

<b>Date of Hearing : 22.02.2018</b>	<b>Date of Pronouncement : 23.02.2018</b>
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**ORDER**

**PER KULBHARAT, J.M.**

This appeal filed by the assessee is directed against the order of Commissioner of Income Tax (Appeals) – Meerut, dated 11.03.2015 pertaining to assessment year 2011-12.

2. The assessee has raised following grounds of appeal :-

*“1. On the facts and circumstances of the case, the learned Commissioner of Income Tax (Appeals), Meerut, erred in law as well as on facts in confirming the addition of Rs. 34,500/- made by*

*the A.O., being the amount of cash found during the course of search,*

*2. On the facts and circumstances of the case, the learned Commissioner of Income Tax (Appeals), Meerut, erred in law as well as on fact in confirming the action of the A.O. without considering the fact the amount was duly recorded in the books of accounts of the assessee.”*

3. Briefly stated the facts are that a search operation was carried out at bank accounts of the assessee held in the Oriental bank of Commerce, Malayana Branch, Meerut the investment in FDR and cash of Rs. 34,500/- was found, a notice was issued to the assessee u/s 142(1) of the Income Tax Act, 1961(hereinafter referred to as the “Act”). In response thereto the assessee filed return of income at Rs. 54,82,323/-. The assessing officer issued a notice u/s 143(2) and framed assessment u/s 143(3) of the Act vide order dated 28.3.2013 thereby the assessing officer made addition of Rs. 34,500/-, an account of unexplained cash. Against this, the assessee preferred in appeal before the CIT(A) who dismissed the appeal on the ground that the assessee failed to deposit the requisite tax on the income of declared in the return income. Now the assessee is in appeal against this order before this Tribunal. Only effective ground is against dismissal of appeal and confirmation of addition.

4. Ld. Counsel for the assessee during the course of hearing produce the evidence of the tax paid by the assessee on the income declared. Ld. Counsel submitted that the assessee has declared income of Rs. 54,82,323/-, the amount was cash on hand. He submitted under the facts of the present case, the assessing officer is not justified to make addition of this amount. On the contrary, ld. Departmental Representatives supported the assessment order.

5. We have heard the rival contentions perused the material available on record, we find that the appeal of the assessee was dismissed on account of non-

payment of tax. Now the assessee has furnished evidence of payment of tax. After considering the totality of the facts, we are of the view that the assessing officer was not justified in making addition of Rs. 34,500/-. We, therefore, direct the assessing officer to delete the same.

6. In the result, the ground raised in this appeal are allowed.

(Order Pronounced in the Open Court on 23/02/2018).

Sd/-  
(G.D.AGARWAL)  
PRESIDENT

Sd/-  
(KUL BHARAT)  
JUDICIAL MEMBER

**Dated: 23 / 02/2018**

\*BINITA\*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

**ASSISTANT REGISTRAR**

		Date	Initial	
1.	Draft dictated on	22.02.2018		
2.	Draft placed before author	22.02.2018		
3.	Draft proposed & placed before the second member			
4.	Draft discussed/approved by Second Member.			
5.	Approved Draft comes to the Sr.PS/PS			
6.	Kept for pronouncement on	23.02.2018		
7.	File sent to the Bench Clerk			
8.	Date on which file goes to the AR			
9.	Date on which file goes to the Head Clerk.			
10.	Date of dispatch of Order.			