

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

BEFORE SHRI R.S. SYAL, VICE PRESIDENT  
AND  
SHRI K. NARASIMHA CHARY, JUDICIAL MEMBER

ITA No.748/Del/2015  
Assessment Year : 2007-08

Chandan Singh,  
S/o Shri Ram,  
VPO Chandawas,  
Distt. Rewari.

Vs. ITO,  
Ward-1,  
Rewari.

PAN: DZDPS8039G

(Appellant)

(Respondent)

Assessee By : Shri Naresh Kumar Aggarwal,  
Advocate

Department By : Shri B.R. Mishra, Sr. DR

Date of Hearing : 18.04.2018

Date of Pronouncement : 23.04.2018

ORDER

PER R.S. SYAL, VP:

This appeal filed by the assessee arises out of the order passed by the  
CIT(A) on 27.11.2014 in relation to the assessment year 2007-08.

2. The only effective ground pressed by the ld. AR is against the addition of Rs.75,31,500/- on account of cash deposited in the bank account.

3. Briefly stated, the facts of the case are that the Assessing Officer received AIR information divulging that the assessee made cash deposits of Rs.95,17,000/- in his bank account maintained with Punjab National Bank, Rewari. On being called upon to explain the source of income, the assessee submitted that he sold agricultural land with his brother and deposited the amount in the bank account. The Assessing Officer made additions of Rs.25,83,000/- and Rs.49,48,500/- on account of cash deposits made on 22.06.2006 and 14.09.2006, respectively in his bank account. The contention of the assessee in support of the source of the such deposits, being, that such amount was realized from the sale of land, was turned down by the Assessing Officer on the ground that the deposits were made prior to the date shown in the Sale deed. The ld. CIT(A) echoed the assessment order on this issue. The assessee is aggrieved against the addition.

4. We have heard both the sides and perused the relevant material on record. It is observed that the assessee stated before the authorities below that the amounts deposited by him in his bank account on two different dates came from sale of agricultural land made by him along with his brother. The Assessing Officer, going by the date of the Sale deed, did not accept the genuineness of the transactions since such cash deposits were made prior to the date given in the Sale deed. The Id. AR has placed on record a copy of Agreement to sell such land and requested for the admission of this additional evidence. It was submitted that the assessee could not earlier procure a copy of such an Agreement to sell because of some dispute with the buyer and it was only on the settlement of such dispute that the assessee could get such a copy of such Agreement to sell. Without going into the genuineness or otherwise of such an Agreement to sell, which is an additional evidence, we set aside the impugned order and remit the matter to the file of the Assessing Officer for first examining the genuineness of the Agreement to sell and, then, ascertain if cash deposited in the bank account, for which additions have been made, had genuine

linkage with such an Agreement to sell. Needless to say, the assessee will be allowed a reasonable opportunity of being heard in such proceedings.

5. No other ground was pressed by the ld. AR. These grounds, therefore, stand dismissed.

6. In the result, the appeal filed by the assessee is partly allowed for statistical purposes.

The order pronounced in the open court on 23.04.2018.

Sd/-

[K. NARASIMHA CHARY]  
JUDICIAL MEMBER

Sd/-

[R.S. SYAL]  
VICE PRESIDENT

Dated, 23<sup>rd</sup> April, 2018.

dk

Copy forwarded to:

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

AR, ITAT, NEW DELHI.