

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AMRITSAR BENCH, AMRITSAR**

BEFORE SH. N. S. SAINI, ACCOUNTANT MEMBER  
AND SH. N. K. CHOUDHRY, JUDICIAL MEMBER

**I. T. A. No. 138(Asr)/2017**  
Assessment Year: 2011-12

Sanjeev Thurkral,  
B/4-178, Sargundi Road,  
Goraya, Tehsil Philluar

Vs. The DCIT, Phagwara Circle,  
Phagwara

PAN No. ACSPT7493G

**(Appellant)**

**(Respondent)**

Appellant by : Sh. Ashwani Kalia, CA

Respondent by: Sh. Bhawani Shankar, DR

Date of Hearing : 13.2.2019

Date of Pronouncement : 14.2.2019

**ORDER**

**Per N.S. SAINI, AM:**

This is an appeal by the assessee directed against the Order of the Commissioner of Income Tax (Appeals)-2, Jalandhar dated 6.12.2016.

2. The sole issue involved in this appeal is that CIT(A) erred in confirmation of the addition of Rs. 13,67,300/-.

3. The brief facts of the case are that the AO observed that assessee is maintaining a Saving Bank account No.909010032326816 with Axis Bank, Goraya, wherein, during the year under consideration the assessee made cash deposits of Rs. 32,87,931/- on various dates. He asked the assessee to explain the source of such deposits made in the said bank account. The assessee filed explanation of the same

and the AO being partially satisfied made addition u/s 69 of the I.T. Act, 1961 (hereinafter referred to as "Act", in short) for Rs. 13,67,300/-, out of total deposits of Rs. 32,87,931/-, on the ground that the source of such deposits could not be satisfactorily explained by the assessee before him.

4. The assessee carried the matter in appeal before the Ld. CIT(A) who confirmed the order of the AO for the reasons that during the course of assessment proceedings, the assessee submitted that cash was withdrawn for use of the marriage expenses of a family member and also cash was withdrawn for purchase of the property. However, the assessee could not produce the supporting evidence with regard to the marriage of a family member / relative of the Appellant and also with regard to the intended purchase of the properties. In the absence of any supporting evidence with regard to the pattern of repeated cash deposits and withdrawals of amounts exceeding Rs. 50,000/- in cash, the AO examined the details and worked out the unexplained cash deposits at Rs. 13,67,300/-. He, however, observed that he has considered the contention of the Appellant with regard to the judicial decisions cited on the issue with that the benefit of peak cash credit has to be given and thereafter the CIT(A) opined that those decision are not applicable in the present facts of the assessee's case.

5. Before us, the contention of the assessee is that the assessee is maintaining two other bank accounts bearing No. 324010100067698 with Axis Bank, Goraya, Punjab, in the name of the assessee and also an account with Oriental Bank of commerce bearing account No. 51202010025650. He filed before us a consolidated cash flow statement after taking into consideration the withdrawals from all the three bank

accounts and deposits in the bank accounts and submitted that if this cash flow is considered, then the source of balance deposit of Rs. 13,67,300/- is explained and therefore, no addition u/s 69 of the Act is called for.

6. The DR, on the other hand, has relied on the orders of the lower authorities.

7. In the facts and circumstances of the case, we are of the considered opinion, that the AO as well as the CIT(A) has not examined the facts whether withdrawals of the assessee from the other two bank accounts bearing Nos. 324010100067698 with Axis Bank, Goraya, Punjab in the name of the assessee and bearing account No. 51202010025650 with Oriental Bank of commerce explains the deposits of Rs. 13,67,300/- made in the bank account or not. Therefore, we are of the considered opinion that the matter should be remanded back to the file of the AO to consider the contention of the assessee and adjudicate the issue as per law after allowing a reasonable and proper opportunity to the assessee. We order accordingly. Thus, the grounds of appeal of the assessee are allowed for statistical purposes.

8. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 14.2.2019.

Sd/-  
**(N. K. Choudhry)**  
**Judicial Member**

Sd/-  
**(N.S. Saini)**  
**Accountant Member**

Date: 14.02.2019

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Copy of the order forwarded to:

- (1) The Appellant
- (2) The Respondent
- (3) The CIT(Appeals)
- (4) The CIT concerned
- (5) The Sr. DR, I.T.A.T.