



**IN THE INCOME TAX APPELLATE TRIBUNAL,  
CUTTACK 'SMC' BENCH, CUTTACK**

**BEFORE SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER**

**ITA No.232/CTK/2019**  
Assessment Year : 2015-16

Santosh Kumar Sahu, Talmul, Via: Banarpal, Angul.	Vs.	ITO, Angul Ward, Kulad, Angul
PAN/GIR No.EXUPS 7219 J		
<b>(Appellant)</b>	..	<b>( Respondent)</b>

Assessee by : Shri A.Acharya, AR  
Revenue by : Shri Subhendu Dutta, DR

**Date of Hearing : 13/11/ 2019**  
**Date of Pronouncement : 4 /12/ 2019**

**ORDER**

This is an appeal filed by the assessee against the order of the CIT(A)-2, Bhubaneswar dated 15.4.2019 for the assessment year 2015-16.

2. The sole ground taken in this appeal is that the CIT(A) was not justified in confirming the addition of Rs.4,84,016/- on account of deposit in the bank account of the assessee.

3. Briefly stated the facts of the case are that the Assessing Officer, during the course of assessment proceedings, found that the assessee has deposited an amount of Rs.23,74,266/- in two

bank accounts, whereas the gross receipts shown by the assessee during the year were Rs.18,90,250/-. Therefore, the Assessing officer made addition of Rs.4,84,016/- treating the excess deposit in two bank accounts of the assessee with Orissa Gramya bank Account No.XXXX604 u/s 69A of the Act.

4. On appeal, the CIT(A) confirmed the addition.

5. Before me, Id A.R. of the assessee submitted copies of recurring bank statements of his wife Mrs Dali Sahu vide A./c No.XXXX400 and his son Master Rajesh A/c No.XXXX 399, wherein on 21.1.2015, amount of Rs.1,02,461/- each totaling to Rs.2,04,766/- has been shown as maturity amount credited in assessee's bank account No.604 and the same has been explained by the assessee by way of this account.

6. Ld Departmental Representative could not controvert these factual position that the amount of maturity of recurring deposit kept in the name of the wife and son of the assessee has been credited to the assessee's bank account.

7. Another grievance as noted by the Assessing Officer was that the assessee has deposited cash of Rs.2,00,000/- on 6.8.2014 and Rs.50,000/- on 21.1.2015 to his bank account with Uco Bank, Talmul Sasan Angul A/c No.XXXX213. The explanation

of the assessee is that he withdrew Rs.2,20,000/- on 5.8.2014 from Uco Bank account No.604 and out of that amount Rs.2,00,000/- was deposited on next date i.e. on 6.8.2014 to the Uco Bank Account. From the copies of bank statement of the assessee, I am satisfied about the explanation of the assessee regarding the deposit of Rs.2 lakhs to his bank account.

8. So far as deposit of Rs.50,000/- on 21.1.2015 is concerned, I am unable to see any entry in its bank account, which could justify this amount of Rs.50,000/- deposited on 21.1.2015. It was the contention of the assessee before the authorities below that the amount of Rs.2,50,000/- was refund of loan but I am unable to see any evidence regarding the said debtor who returned the loan amount to the assessee and the same was deposited in cash to the bank account of the assessee.

9. In view of foregoing discussion, I reached to a logical conclusion that the assessee explained amount of Rs.4,04,766/- by way of cogent and tangible documentary evidence in the form of bank statement which clearly reveals that amount of maturity was deposited to the bank account of the assessee, which was received by his wife and son and the assessee withdrew Rs.2,20,000/- immediately one day after the deposit amount of

Rs.2,00,000/- was deposited to the bank account of the assessee i.e. on 6.8.2014. I am unable to agree with the contention of the assessee regarding cash deposit of Rs.50,000/- on 21.1.2015. Resultantly, the assessee gets relief of Rs.4,04,766/-. The AO is directed to delete Rs.4,04,766/- as duly explained by the assessee the source of deposit and balance amount of Rs.79,250/- is confirmed.

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

Order pronounced on 4 /12/2019.

Sd/-  
**(Chandra Mohan Garg)**  
**JUDICIAL MEMBER**

Cuttack; Dated 4 /12/2019  
B.K.Parida, SPS

**Copy of the Order forwarded to :**

1. The Appellant : Santosh Kumar Sahu,  
Talmul, Via: Banarpal, Angul.
2. The Respondent.: ITO, Angul Ward, Kulad,  
Angul
3. The CIT(A)-2, Bhubaneswar
4. Pr.CIT- 2, Bhubaneswar
5. DR, ITAT, Cuttack
6. Guard file.  
//True Copy//

**By order**

Sr.Pvt.secretary  
**ITAT, Cuttack**