

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE BENCH "SMC", PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.940/PUN/2019

निर्धारण वर्ष / Assessment Year : 2009-10

Rahiman Gulab Bagwan
Gala No.17, E Ward,
Shahu Market Yard,
Kolhapur

PAN : ADRPB8240K

.....अपीलार्थी / Appellant

बनाम / V/s.

The Income Tax Officer,
Ward 2(1), Kolhapur

.....प्रत्यर्थी / Respondent

Assessee by : None

Revenue by : Smt. Vranda U. Matkari, DCIT

सुनवाई की तारीख / Date of Hearing : 06.02.2020

घोषणा की तारीख / Date of Pronouncement : 07.02.2020

आदेश / ORDER

PER R.S. SYAL, VP :

This appeal by the assessee is directed against the order passed by the Id. CIT(Appeals)-2, Kolhapur on 02.04.2019 in relation to the assessment year 2009-10.

2. The only issue raised in the appeal is against confirmation of addition of Rs.4,50,937/- made by the Assessing

Officer (AO) u/s 68 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

3. Briefly stated, the facts of the case are that the assessee made certain cash deposits in his bank account to the tune of Rs.4,79,720/-. On being called upon to explain the source of deposits, the assessee submitted that these were made out of cash sales. It was also put forth that because of the assessee being involved in the business as a commission agent of agricultural produce, some of the farmers directly deposited the cash in his bank account, which was later on adjusted. Not satisfied, the AO made disallowance of Rs.4,50,937/- u/s 68 of the Act, which came to be confirmed in the first appeal.

4. I have heard ld. DR and perused the relevant material on record. There is no appearance from the side of assessee, despite notices. As such, I am proceeding to decide the appeal *ex-parte qua* the assessee.

5. It is observed that the assessee made cash deposits on different dates amounting to Rs.4,79,720/-, out of which the AO made addition of Rs.4,50,937/-. The genuineness of the source of cash deposits in the bank needs to be seen in the background of the fact that the assessee declared total income of Rs.1,95,240/- and further that he was engaged in the business as commission agent of agricultural produce dealing with the farmers. Considering the position in a holistic manner, I am of the opinion that the extent of cash deposited in the bank

account to the tune of Rs.4,79,720/- cannot be doubted as emanating from undisclosed sources. I, therefore, accept the contention put forth on behalf of the assessee before the authorities below and order to delete the addition.

6. In the result, the appeal is allowed.

Order pronounced on 7th day of February, 2020.

Sd/-
R.S. SYAL
उपाध्यक्ष / VICE-PRESIDENT

पुणे / Pune; दिनांक / Dated : 7th February, 2020.
GCVSR

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent
3. The CIT (Appeals)-2, Kolhapur.
4. The Pr. CIT-2, Kolhapur.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "एक-सदस्य" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
6. गार्ड फाइल / Guard File.

आदेशानुसार / BY ORDER,

//True copy//

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune

		Date	
1	Draft dictated on	06.02.2020	Sr. PS/PS
2	Draft placed before author	06.02.2020	Sr. PS/PS
* 3	Draft proposed and placed before the second Member		JM/AM
4	Draft discussed/approved by second Member		AM/JM
5	Approved draft comes to the Sr. PS/PS		Sr. PS/PS
6	Kept for pronouncement on		Sr. PS/PS
7	Date of uploading of order		Sr. PS/PS
8	File sent to Bench Clerk		Sr. PS/PS
9	Date on which the file goes to the Head Clerk		
10	Date on which file goes to the A.R		
11	Date of dispatch of order		

*