

IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCHES, NEW DELHI  
(CIRCUIT BENCH AT DEHRADUN)

BEFORE SHRI SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER  
AND  
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No.5102/Del/2018  
(Assessment Year:2016-17)

Sangeeta Singh, C/o. Matta Garg & Co. CA, 15, Astley Hall, Dehradun PAN: AGIPS9724R	Vs.	DCIT, Central Circle, Dehradun
(Appellant)		(Respondent)

Assessee by :	Shri S. K. Matta, CA
Revenue by:	Shri Bhopal Singh, JCIT
Date of Hearing	28/02/2020
Date of pronouncement	13/05/2020

O R D E R

PER PRASHANT MAHARISHI, A. M.

1. This appeal is filed by assessee against the order of the Id CIT(A)-IV, Kanpur dated 20.06.2018. The only grievance in the appeal is addition of Rs. 1,50,000/- found cash in hand from the bank locker of the assessee at the time of search.
2. Brief facts of the case shows that the assessee is an individual. Search was conducted on 18.03.2016. It was found that in Locker No. L-2457 of OBC, Dehradun cash of Rs. 1,50,000/- Notice u/s 153A(1)(a) was issued on 30.03.2017. The assessee filed return of income on 27.04.2017 declaring income of Rs. 4137900/-. During the assessment proceedings the assessee submitted that the cash found is as per the books of the assessee. However, the Id AO made an addition as the assessee failed to prove the source of cash found. On appeal before the Id CIT(A), assessee submitted that the assessee has a huge withdrawal in earlier years, her husband and her sons are also showing huge income in their returns, so that above sum of Rs 1.5 lakhs is out of the miscellaneous savings and

out of withdrawals. She submitted that sum found is very small compared to withdrawals and income of the family. So same may be considered as explained.

3. The Id CIT(A) rejected the explanation of the assessee for the reason that according to him it is unrealistic and difficult to believe that a person having handsome income and withdrawal will keep a saving amount in the locker of bank, accordingly, he confirmed the addition of Rs. 1,50,000/-.
4. We have carefully considered the rival contentions and also perused the orders of the lower authorities. The assessee has shown that for last two years her withdrawal was Rs. 19,28,287/-. Further, the income of her husband was approximately Rs. 45 lacs and her sons were Rs. 13 lacs for last 2 years. In view of such large withdrawal and substantial income of the family members, it is apparent that assessee could have saved Rs. 1.5 lacs as her saving, no other cash was found with the assessee. Further, it was also not shown by the revenue that amount lying in the bank locker was prior to the two years and the above withdrawal of last two years could not have been utilized for keeping the above sum in the bank locker. Assertion of the revenue is that person having handsome income and huge withdrawal will keep the saving in the bank locker is also devoid of any merit. It is assessee's prerogative to put her saving either in the bank account or at home or in the bank locker. AO must found with proper evidences that explanation of the assessee is not proper as could not have that case as withdrawal was for the specific purposes and not for putting in to the bank locker. AO should also have looked at the cash flow of the withdrawal and the amount I of time of opening of the bank locker to find out coherence and sequences between the dates of withdrawal and amount placed in locker. Then with this analysis, assessee should have been confronted. In absence of any contrary evidence that the assessee was not having adequate source of the fund the above explanation of the assessee is plausible. Merely rejecting the explanation of the assessee on flimsy grounds holding that explanation of assessee is self-serving and afterthought without

putting any evidence on record, that cash is not available with the assessee, the above addition cannot be made. In the result we reverse the finding of the lower authorities and directed the Id AO to delete the addition of Rs. 1.5 lacs on account of cash found in the locker. Accordingly, appeal of the assessee is allowed and the Id AO is directed to delete the above addition.

5. In the result appeal of the assessee is allowed.

Order pronounced in the open court on 13/05/2020.

-Sd/-  
(SUDHANSHU SRIVASTAVA)  
JUDICIAL MEMBER

-Sd/-  
(PRASHANT MAHARISHI)  
ACCOUNTANT MEMBER

Dated: 13/05/2020  
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi