

IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'B' BENCH,
NEW DELHI (THROUGH VIDEO CONFERENCING]

BEFORE SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER, AND
MS. SUCHITRA KAMBLE, JUDICIAL MEMBER

ITA No. 2061/DEL/2018
[A.Y 2014-15]

Subhash Chandra Tandon
Bungalow No. 85, Riveria
Near Airport Revenue
Survey No. 548/2, Versamedi
Anjar, Gujarat

Vs.

The A.C.I.T
Central Circle-17
New Delhi

PAN: AAJPT 5649 R

[Appellant]

[Respondent]

Date of Hearing : 09.09.2021
Date of Pronouncement : 09.09.2021

Assessee by : Shri R.K. Kapoor, CA

Revenue by : Ms. Nidhi Srivastava, CIT-DR

ORDER

PER N.K. BILLAIYA, ACCOUNTANT MEMBER,

This appeal by the assessee is preferred against the order of the
Commissioner of Income Tax [Appeals]-27, New Delhi dated 16.01.2018
pertaining to Assessment Year 2014-15.

2. The sum and substance of the grievance of the assessee is that the ld. CIT(A) erred in upholding the addition of Rs. 2,54,200/- on account of unexplained cash u/s 69A of the Income tax Act, 1961 [hereinafter referred to as 'The Act' for short].

3. Briefly stated, the facts of the case are that a search and seizure and survey operations u/s 132/132A of the Act were conducted on 27.12.2013 in Metenere Group and the assessee was part of the search operations. During the course of search proceedings, cash amounting to Rs. 2,54,200/- was found, out of which Rs. 2 lakhs was seized.

4. On a specific question asked by the Investigation Officers to explain the source of cash of Rs. 2,54,200/-, the assessee replied that it was out of savings of past 10 years kept at home for the purpose of medical emergencies. When asked for any documentary evidences, the assessee could not give any specific reply. The Assessing Officer proceeded by treating the amount of Rs. 2,54,200/- as unexplained and made addition u/s 68 of the Act.

5. The assessee agitated the matter before the ld. CIT(A) but without any success. However, the ld. CIT(A) was of the firm belief that proper section for making the addition was u/s 69A of the Act and confirmed the addition u/s 69A of the Act.

6. Before us, the ld. counsel for the assessee vehemently stated that the assessee is a Senior Citizen of around 75 years of age and because of medical emergencies, he was keeping the cash at home. But when the bench asked to explain the source, the counsel could not give any plausible reply and stated that out of Rs. 2,54,200/-, only Rs. 2 lakhs were seized and, therefore, addition should be sustained to that extent.

7. The ld. DR strongly supported the findings of the lower authorities.

8. We have carefully considered the orders of the authorities below. It is true that the assessee is a Senior Citizen of 75 years of age. Therefore, it can be easily accepted that he must be keeping cash at home for medical emergencies. But at the same time, non-explanation of the source cannot be brushed aside lightly. We find that search

party had seized only Rs. 2 lakhs which means that the search party itself must have accepted the source for Rs. Rs. 54,200/-. In light of these facts, we direct the Assessing Officer to restrict the disallowance to Rs. 2 lakhs only. The assessee shall get part relief.

9. In the result, the appeal filed by the assessee in ITA No. 2061/DEL/2018 is partly allowed.

The order is pronounced in the open court on 09.09.2021 in the presence of both the rival representatives.

Sd/-

[SUCHITRA KAMBLE]
JUDICIAL MEMBER

Sd/-

[N.K. BILLAIYA]
ACCOUNTANT MEMBER

Dated: 09th September, 2021

VL/

Copy forwarded to:

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

Asst. Registrar,
ITAT, New Delhi

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr.PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr.PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	