

**IN THE INCOME TAX APPELLATE TRIBUNAL  
Hyderabad ‘ SMC ‘ Bench, Hyderabad**

**Before Shri S.S. Godara, Judicial Member**

ITA No.37/Hyd/2022		
Assessment Year: 2017-18		
Mr.Jeevan Prakash Malhotra, U.S.A PAN:DGSPM0126E (Appellant)	Vs.	Income Tax Officer International Taxation-1 Hyderabad (Respondent)
Assessee by:	Sri Jeevan Prakash Malhotra	
Revenue by:	Sri Venkanna Tejwath, Sr DR	
Date of hearing:	15/03/2022	
Date of pronouncement:	21/03/2022	

**ORDER**

This assessee's appeal for the A.Y 2017-18 arise against the CIT(A)-10, Hyderabad's order dated 10.02.2022 passed in case No.ITBA/REC/F/154/2021-22/10396808649(1) in proceedings u/s 143(3) of the Income Tax Act, 1961("the Act").

Heard both the parties. Case file perused.

2. Coming to the assessee's sole substantive grievance that both the learned lower authorities have erred in law and on facts in making section 69A unexplained cash deposits addition of Rs.15,04,000/- I find that the instant lis requires more a simultaneous reconciliation of his withdrawals in all bank accounts operated in India.

3. Learned DR fails to dispute that neither the Assessing Officer nor the CIT (A) has considered telescoping benefit to the assessee regarding his all previous withdrawals vis-à-vis cash deposit in issue. I therefore, deem it proper to restore the assessee's instant sole substantive grievance back to the Assessing Officer for his fresh adjudication within three effective opportunities of hearing. The assessee shall be at liberty to file all the relevant evidence in consequential proceedings as per law.

4. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the Open Court on 21<sup>st</sup> March, 2022.

SD/-

**(S.S. GODARA)**  
**JUDICIAL MEMBER**

Hyderabad, dated 21<sup>st</sup> March, 2022.

***Vinodan/sps***

Copy to:

S.No	Addresses
1	Mr.Jeevan Prakash Malhotra, 5833, Green Meadow Dr Greensboro, NC, Foreign, U.S.A
2	Income Tax Officer (International Taxation)-1 Aayakar Bhavan, Opp: LB Nagar Stadium, Basheerbagh, Hyderabad
3	CIT (A)-10, Hyderabad
4	CIT (IT& TP)- Hyderabad
5	DR, ITAT Hyderabad Benches
6	Guard File

*By Order*