

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI**

BEFORE SH. CHANDRA MOHAN GARG, JUDICIAL MEMBER

ITA No.533/Del/2020
(Assessment Year : 2016-17)

Jasmeet Kaur Anand C4C-51, Janakpuri, West Delhi, New Delhi-110 058 PAN : ARZPK 4188 K	Vs	ITO Ward-70(5) New Delhi
(APPELLANT)		(RESPONDENT)

Assessee by	Shri Gurjeet Singh, C.A.
Revenue by	Shri Om Prakash, Sr. D.R.

Date of hearing:	06.06.2022
Date of Pronouncement:	10.06.2022

ORDER

PER CHANDRA MOHAN GARG, JUDICIAL MEMBER :

This appeal filed by the assessee is directed against the order of the Commissioner of Income Tax (Appeals) - 27, New Delhi, dated 09.12.2019 for Assessment Year 2016-17.

2. The assessee has raised the following grounds in this appeal:

- “1. *Because the action is under challenge on facts and law for making addition of Rs.5,51,550/- for cash deposited in the bank u/s 68/69A since the said cash deposits are out of cash withdrawal from other bank accounts of assessee and*

spouse of assessee/disclosed sources and alternatively quantum of addition is challenged.

2. *For any consequential relief and /or legal claim arising out of this appeal and for any addition, deletion, amendment and modification in the grounds of appeal before the disposal of the same in the interest of substantial justice to the assessee.”*

3. I have heard arguments of both the sides and carefully perused the relevant materials placed on record before the Tribunal. The Learned Counsel of the assessee submitted that despite the assessee has submitted Bank statement of Karur Vyasa Bank as well as Standard Chartered Bank for the period from 01.04.2015 to 31.03.2016 along with Cash flow chart but the same was not considered by the authorities below in right perspective, therefore, the Learned CIT(A) has sustained addition of Rs.2,00,600/- pertaining to Karur Vyasa Bank and Rs.3,50,950/- pertaining to Standard Chartered Bank without any basis, therefore, the same may kindly be deleted. The Learned Counsel also drew our attention towards affidavit of husband of assessee Shri Maninder Singh Anand dated 04.09.2019 placed at assessee's paper book at page no. 30 & 31 to submit that the husband of the assessee gave amount of Rs.7,77,700/- to his wife i.e. assessee to deposit to pay the credit cards dues, school fees and other house hold purchases out of withdrawals from his Bank A/c No. xxx22950 maintained with Indian Overseas Bank, Janak Puri Branch, therefore, no addition

was called for in record to the deposits made by assessee to Standard Chartered Bank account.

4. Replying to the above, the Learned DR strongly supported the order of assessment as well as first appellate order. The Learned DR, drawn our attention towards para 7.1 to 7.3 of first appellate order submitted that the Learned CIT(A) has granted substantial relief to the assessee and restricted the amount of addition to the minimum considering the peak cash deficit to both the bank accounts, therefore, no further relief to be granted to the assessee and appeal of the assessee may kindly be dismissed.

5. On careful consideration of the rival submissions, I am of the considered view that from careful reading of para 7.3 of first appellate order, I observed that the Learned CIT(A) has properly considered the Cash flow statement of all four bank accounts including impugned two bank accounts maintained by assessee and two other bank accounts maintained by her husband. Thereafter, the Learned CIT(A) concluded that there was peak cash deficit of Rs.2,00,600/- pertaining to Karur Vyasa Bank and Rs.3,50,950/- pertaining to Standard Chartered Bank as on 30.10.2015. Learned CIT(A) has restricted the addition to Rs.5,51,550/- instead of Rs.18,14,800/- by considering combined and consolidated cash flow statement of all four accounts maintained by assessee and her husband.

6. In view of above, I decline to accept contention of the Learned Counsel of the assessee that the Learned CIT(A) has not considered Cash flow statement in right perspective as per affidavit of assessee's husband Shri Maninder Singh Anand.

7. I may also point out that in the affidavit dated 04.09.2019, Shri Maninder Singh Anand in para 2 stated that he is the first account holder in Karur Vyasa Bank account for cash deposited amounting to Rs.10,37,100/- which relates to his business sale proceeds but Learned CIT(A) has properly considered combined Cash flow statement submitted by assessee which clearly reveals the book peak cash deficit in both the accounts. However, I am in agreement with the contentions of Learned Counsel for Assessee that when the assessee's husband is operating business and taking care of all household expenses and consequently giving cash money to his wife [assessee] and his wife deposited the cash and incurred expenditure of Rs.9,85,463/- through debit card, then the amount of Rs.15,000/- per month cannot be further discounted or ignored from combined cash flow statement. I am of the considered view that undisputedly assessee's husband is doing business and taking care of all household expenses, therefore, he gave cash to his wife which was deposited to her bank A/c and she incurred all the expenses through credit card then no future cash can be ignored on account of household cash expenses specially when the husband of assessee is liable for all

household expenses. These facts have not been controverted by the Learned Sr. D.R. in any manner.

7.1. In view of foregoing discussion, I allow part relief of Rs.1,80,000/- [Rs.15,000/- x 12) to the assessee and disallowance is restricted to Rs.3,71,550/-.

8. In the result, appeal of the assessee is partly allowed.

Order pronounced in the open court on 10.06.2022

**Sd/-
(CHANDRA MOHAN GARG)
JUDICIAL MEMBER**

Date:- 10.06.2022

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Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI