

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH “SMC”: NEW DELHI**

**BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER**

**ITA No. 4022/DEL/2019**  
**[Assessment Year: 2010-11]**

Ranjit Singh, 306, Vardhman Sunder Plaza, Plot no. 12, Sector-12, Dwarka, New Delhi. PAN- BIFPS1688Q	<u>Vs</u>	Income-tax Officer, Ward-3(5), Gurugram.
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Appellant by</b>	<b>None</b>	
<b>Respondent by</b>	<b>Sh. Om Prakash, Sr. DR</b>	
<b>Date of hearing</b>	<b>10.08.2022</b>	
<b>Date of pronouncement</b>	<b>17.08.2022</b>	

**ORDER**

**PER KUL BHARAT, JM:**

This appeal, by the assessee, is directed against the order of the learned Commissioner of Income-tax (Appeals)-1, Gurgaon, dated 29.06.2018, pertaining to the assessment year 2010-11. The assessee has raised following ground of appeal:

*“The learned CIT (A) has dismissed the appeal even after the assessee has provided the evidence relating the cash deposited in the bank. The cash deposited are the receipts from the sale of agriculture proceeds and the assessee has even furnished the Khatoni .The khatoni was in the name of assessee's father and the assessee was engaged in the agricultural activity on the agricultural land, all the proceeds from agricultural activity was deposited into the bank account maintained by assessee and assessee has withdrawn and deposited the cash time to time from bank account and into the bank account.”*

2. The only effective ground is against confirming the addition made on account of cash deposits into the bank account.

3. At the time of hearing no one attended the proceedings. It is seen from the record that despite various opportunities since 29<sup>th</sup> December, 2020, no one has been attending the hearing on behalf of the assessee. The Tribunal has provided various opportunities to the assessee and the notice sent through speed post has been returned by the postal authorities. The assessee has not provided the current address. Therefore, the appeal was taken up for hearing in the absence of the assessee and is being decided on the basis of the material available on record.

4. Learned Sr. DR submitted that the case of the assessee was reopened on the basis of the cash deposited by the assessee in bank account amounting to Rs. 10,32,000/-. He submitted that the Assessing officer provided various opportunities to the assessee. However, no one attended the proceedings. Therefore, the Assessing Officer proceeded ex parte to the assessee and made best judgment assessment by making addition of Rs. 7,76,140/-. Aggrieved against this the assessee preferred appeal before the learned CIT(Appeals). Even before the learned CIT(Appeals) the assessee could not produce the supporting evidences. Therefore, the learned CIT(Appeals) has rightly dismissed the appeal. He submitted that the assessee has been thoroughly negligent and no evidence is submitted explaining the source of cash deposits in the bank account of the assessee.

5. I have heard learned DR, perused the material on record and gone through the orders of the authorities below. It is seen from the record that the case of the assessee was reopened on the basis of the cash deposited by the assessee in his bank account. However, before Assessing officer there was no representation on behalf of the assessee to explain the source of cash deposits. Before learned

CIT(Appeals) it was stated that the case of the assessee was reopened u/s 148 of the Income-tax Act, 1961. It was stated that the assessee did not receive notice from the Assessing officer. It was prayed before the learned CIT(Appeals) that opportunities be provided to the assessee to explain his case. Before the learned CIT(Appeals) a copy of the khatoni and bank statement was filed. However, the learned CIT(Appeals) dismissed the appeal by observing as under:

*“3.4 I have carefully considered the appellant’s submissions. The appellant has contended that the only source of cash deposits in the bank account was agriculture income. However, no evidence in support of the claim that the appellant had any agricultural land in his name or any agricultural income was furnished. A copy of the khatoni furnished by the appellant is in the name of the appellant’s father. As per the copy of the bank account filed by the appellant there are no cash withdrawals prior to the cash deposits in the bank account. Most of the cash deposits are in the month of April, 2010. As such the source of cash deposit in the bank account remained unexplained. It is a settled law now that the onus to prove the sources of cash deposits in the bank account lies with the appellant. The appellant has failed to discharge the onus. The addition made by the Assessing Officer is confirmed. The grounds of appeal filed by the appellant are dismissed.”*

6. I have given my thoughtful consideration to the facts available on record. Before learned CIT(Appeals) the prayer of the assessee was that he may be given a fair chance to represent his case before the Assessing officer. However, learned CIT(Appeals) rejected the submissions of the assessee on the basis that the assessee had provided copy of khatoni which was in the name of the father of the assessee but no explanation had been offered regarding cash deposit in the month of April, 2010. Looking to the facts of the present case, the assessment was completed ex parte to the assessee. Even the learned CIT(Appeals) did not consider the explanation offered by the assessee and without conducting any inquiry regarding agricultural activity carried out by the assessee, rejected the claim. Therefore, such casual approach cannot be sustained. I hereby set aside the

impugned order and restore the assessment to the file of Assessing officer to frame assessment afresh, after providing adequate opportunity to the assessee.

7. The appeal of the assessee is allowed for statistical purposes.

Order pronounced in open court on 17<sup>th</sup> August, 2022.

**Sd/-**  
**(KUL BHARAT)**  
**JUDICIAL MEMBER**

\*MP\*

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT, NEW DELHI