

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER  
AND  
MS. ASTHA CHANDRA, JUDICIAL MEMBER**

ITA No.1650/Del/2019  
Assessment Year: 2014-15

<b>Abidi Yahiya Syed, N-5/18, 1<sup>st</sup> Floor, DLF Phase-II, Gurgaon PAN No.AIRPS2592N</b>	<b>Vs</b>	<b>DCIT Circle -1 (1) Gurgaon</b>
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>

Appellant by	None
Respondent by	Sh. Kanav Bali, Sr. DR

Date of hearing:	24/08/2022
Date of Pronouncement:	24/08/2022

**ORDER**

**PER N. K. BILLAIYA, AM:**

This appeal filed by the assessee is preferred against the order of the CIT(A)-2, Gurgaon dated 28.12.2018 for A.Y.2014-15.

2. The grievance of the assessee read as under :-

1. That having regard to the facts and circumstances of the case, Ld. Commissioner of Income Tax (A) has erred in law and on facts in confirming addition made by the Assessing Officer of Rs. 46,40,000/- on account of cash deposits in bank, which were duly reflected in the regular books of account maintained by the assessee.

2. That having regard to the facts and circumstances of the case, Ld. Commissioner of Income Tax (A) has erred in law and on facts in confirming addition made by the Assessing Officer to the extent of Rs. 24,85,623/- on account of advances received from clients, which have been duly taken into consideration in income for subsequent year/s.

3. That the appellant craves the leave to add, modify, amend or delete any of the grounds of appeal at the time of hearing and all the above grounds are without prejudice to each other.

3. None appeared on behalf of the assessee inspite of repetitive notices, therefore, we decided to proceed exparte. The DR was heard at length. Case records carefully perused.

4. The return of income of the assessee was selected for scrutiny assessment under CASS.

5. During the course of the scrutiny assessment proceedings the AO noticed that certain cash deposits were recorded in the AIR, the details of which are as under :-

Bank Name	Amount of Cash Deposit
Royal Bank of Scotland	11,41,000
Royal Bank of Scotland	5,00,000
The Ratnagar Bank Ltd.	5,00,000
The Ratnagar Bank Ltd.	7,00,000
The Ratnagar Bank Ltd.	2,00,000
The Ratnagar Bank Ltd.	2,00,000
The Ratnagar Bank Ltd.	4,49,000
The Ratnagar Bank Ltd.	9,50,000
<b>Total</b>	<b>46,40,000</b>

6. The assessee was asked to explain the source of cash deposited in bank account. On receiving no plausible reply the AO made the addition of Rs.4640000/-. Proceeding further the AO found that there is a mismatch of total receipts shown in the Profit and Loss account and the total receipts as per form 26AS. The assessee was asked to submit a reason for the same. On receiving no plausible reply the AO made the addition of Rs.4484865/-. Assessee raised the objections before the CIT(A). We find that the proceeding before the CIT(A) remained unattended though written submissions alongwith additional evidences were filed and on the basis of the submissions made by the assessee the CIT(A) confirmed the addition of Rs.4640000/- and restricted the addition on account of differences in receipts as per form No.26AS to the extent of Rs.2485623/-.

7. We find that the source of cash deposit was explained to be gifts though details to the satisfaction of the AO were not furnished nor it was furnished before the CIT(A). In so far as the difference in the total receipts as per form No.26AS and as per Profit and Loss account is concerned we find that the CIT(A) has considered the grievance of the assessee factually and restricted the disallowance to Rs.2485263/-. A careful analysis and finding of the CIT(A) show that it does not require any modification. We, therefore, confirme the findings of the CIT(A) and dismissed the appeal of the assessee.

8. In the result, the appeal of the assessee is dismissed.

9. Decision announced in the open court in the presence of both the parties on 24.08.2022.

Sd/-  
**(ASTHA CHANDRA)**  
**JUDICIAL MEMBER**

Sd/-  
**(N. K. BILLAIYA)**  
**ACCOUNTANT MEMBER**

\*NEHA\*

Date:- .08.2022

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT NEW DELHI