

आयकर अपीलीय अधिकरण
IN THE INCOME TAX APPELLATE TRIBUNAL,
'SMC' BENCH, KOLKATA

Before Dr. Manish Borad, Accountant Member

I.T.A. No. 382/KOL/2022
Assessment Year: 2017-2018

Sasthi Charan Pal,.....Appellant
C/o. Jayanta Ray, Advocate,
Nishat Manzil, G.T. Road,
West Apcar Garden, Ground Floor,
Asansol-713304
[PAN: BHDPP6771Q]
-Vs.-

Income Tax Officer,.....Respondent
Ward-2(3), Asansol,
Income Tax office,
Parmar Building,
54, G.T. Road, Asansol-713305

Appearances by:

Shri Souradeep Majumdar, Advocate, for the Appellants
Shri Vijay Kumar, Addl. CIT, Sr. D.R., for the Respondent

Date of concluding the hearing : September 14, 2022
Date of pronouncing the order : September 15, 2022

आदेश

O R D E R

This appeal at the instance of assessee for assessment year 2017-18 is directed against the order of Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 14.03.2022 passed under section 250 of the Income Tax Act, 1961.

2. It is noted that there is a delay of 41 days on the part of the assessee in filing this appeal before the Tribunal. In this regard, the assessee has filed an condonation application dated 30.06.2022 seeking condonation of the delay due to his mother's ailment and keeping in view the reasons given therein, which prevented the assessee to file before the Tribunal. I am satisfied that there was a sufficient cause for the delay of

41 days on the part of the assessee in filing this appeal before the Tribunal. I, therefore, condone the delay of 41 days on the part of the assessee in filing this appeal before the Tribunal and admit the appeal for adjudication.

3. The grounds raised by the assessee in the appeal read as under:-

(1) FOR THAT the orders passed by the authorities below are arbitrary and capricious in nature;

(2) FOR THAT both the authorities below failed to appreciate the nature of business of the appellant, being engaged in retail business, having significant quantum of cash sales and regularly used to deposit in bank, as such the entire deposits under consideration may be verified with the corroborative evidences which the appellant readily possess and addition so made may be deleted at this stage;

(3) FOR THAT the authorities below failed to appreciate the modus operandi of the business, as such misconstrued the transactions made, as such the source of the amount and the transactions may be verified with the corroborative evidences which the appellant readily possess and addition so made may be deleted at this stage;

Other grounds may be urged at the time of hearing.

4. From the perusal of grounds of appeal, the only grievance of the assessee is that he has all corroborative evidences to explain the nature and source of cash credit entries of Rs.21,62,272/- and also to explain the cash deposits of Rs.10,55,000/-. The ld. Counsel for the assessee supporting the grounds stated that the issues may be restored to the file of ld. Assessing Officer for fresh adjudication.

5. On the other hand, ld. D.R. submitted that the ld. CIT(Appeals) has passed a detailed order and sufficient opportunity was given to the assessee to explain the source and therefore, the finding of the ld. CIT(Appeals) may be confirmed.

6. I have heard the rival contentions and perused the relevant material placed before me. The assessee is an individual and income of Rs.3,93,470/- was declared in the e-return filed on 02.11.2017, which

was again revised and furnished on 03.11.2017 declaring the same income. The case was selected for scrutiny assessment through CASS based on large cash deposit in bank account during the year and statutory notices were issued. Various information were called for, part of which were complied and the assessment was completed making an addition for unexplained cash deposit at Rs.10,55,000/- during demonetization period and unexplained cash credit entries totalling to Rs.21,62,272/- for the period 2nd April, 2016 to 2nd November, 2016. Income of the assessee was assessed at Rs.36,10,742/-. The addition made was challenged before the Id. CIT(Appeals) but the assessee failed to explain and thus could not succeed. Before me, the only prayer of the assessee is that the appellant is engaged in the retail business and he regularly deposits cash in bank and the same are verifiable with the corroborative evidences, which the appellant readily possessed. I, in the interest of justice and being fair to both the parties, find merit in the issues raised by the Id. Counsel for the assessee and restore all the issues raised in the instant appeal for the alleged additions of unexplained cash deposit and unexplained cash credit entries to the file of Id. Assessing Officer for *denovo* assessment. Needless to mention that assessee will provide all the details to explain the source of the alleged cash deposits.

7. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open Court on September 15th, 2022.

**Sd/-
(Manish Borad)
Accountant Member
Kolkata, the 15th day of September, 2022**

Copies to : (1) **Sasthi Charan Pal,
C/o. Jayanta Ray, Advocate,
Nishat Manzil, G.T. Road,
West Apcar Garden, Ground Floor, Asansol-713304**

(2) **Income Tax Officer,
Ward-2(3), Asansol,**

***Income Tax office,
Parmar Building, 54, G.T. Road, Asansol-713305***

- (3) *Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi,*
- (4) *Commissioner of Income Tax- ,*
- (5) *The Departmental Representative*
- (6) *Guard File*

TRUE COPY

By order

*Assistant Registrar,
Income Tax Appellate Tribunal,
Kolkata Benches, Kolkata*

Laha/Sr. P.S.