

IN THE INCOME TAX APPELLATE TRIBUNAL
'C/SMC' BENCH, CHENNAI

माननीय श्री मनोज कुमार अग्रवाल ,लेखा सदस्य के समक्ष।
BEFORE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ ITA No.614/Chny/2021
(निर्धारण वर्ष / **Assessment Year: 2017-18**)

Hansa Metha 54, Jaffersa Street, Trichy – 620 008.	बनाम/ Vs.	ACIT Circle-3(1), Trichy.
स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. ABAPH-3577-L		
(□ पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri N. Arjunraj (C.A) for Shri S. Sridhar (Advocate) – Ld. ARs
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri D. Hema Bhupal (JCIT)-Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	21-09-2022
घोषणा की तारीख / Date of Pronouncement	:	21-09-2022

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2017-18 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 26-11-2021 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s.143(3) of the Act on 05-09-2019.

2. The sole grievance of the assessee is addition of unexplained money u/s 69A being cash deposit of Rs.18 Lacs in bank account. The addition stem from the fact that the assessee deposited Rs.9 Lacs each on 18.11.2016 & 19.11.2016 in bank account maintained with HDFC Bank and Central Bank of India. The same was stated to be

sourced out of Bank loan of Rs.26 Lacs as taken by assessee from her son Mr. Jayant Kumar M. Mehta on 07.01.2016. The cash of Rs.16.50 Lacs was stated to be withdrawn on 14.01.2016 and 29.01.2016. The assessee admitted income of Rs.10.16 Lacs.

3. The assessee further submitted that the cash was accumulated with an intention to purchase the property. The amount so deposited was stated to be loaned to daughter-in-law for purchase of property. During assessment proceedings, the assessee stated that the cash was deposited out of income earned in earlier years. However, this fact remained to be substantiated. Accordingly, the amount of Rs.18 Lacs was added to the income of the assessee.

4. The Ld. CIT(A) confirmed the same on the ground that the assessee failed to substantiate that the cash of Rs.16.50 Lacs as withdrawn from Bank accounts in January 2016 was actually kept in hand and the same was subsequently used to deposit the same in Bank Account during demonetization. The assessee also failed to adduce evidence with respect to balance amount of Rs.1.50 Lacs. Accordingly, the appeal was dismissed. Aggrieved the assessee is in further appeal before us.

5. I find that that it is undisputed fact that the assessee obtained loan of Rs.26 Lacs and withdrew an amount of Rs.16.50 Lacs during January, 2016 from her bank account. No other use of the cash has been noted by lower authorities. Considering the fact that the cash has been deposited during November 2016 and there is not long time gap between the two transactions, the source to the extent of Rs.16.50 Lacs could be accepted. For the balance Rs.1.50 Lacs, no plausible explanation has been furnished by the assessee. Therefore, I delete

the impugned addition to the extent of Rs.16.50 Lacs and direct Ld. AO to re-compute the income of the assessee.

6. The appeal stand partly allowed.

Order pronounced on 21st September, 2022.

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / ACCOUNTANT MEMBER

चेन्नई / Chennai; दिनांक / Dated : 21-09-2022
EDN/-

आदेश की प्रतिलिपि ँ ग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant 2. प्रत्यर्थी/Respondent 3. आयकर आयुक्त (अपील)/CIT(A) 4. आयकर आयुक्त/CIT 5. विभागीय प्रतिनिधि/DR 6. गार्ड फाईल/GF