

3. After hearing the ld. Sr. DR, the relevant facts of the case are that certain deposits have been made in assessee's bank account. Considering the record the explanation was partly accepted to the extent that she had received gifts from her sister-in-law and mother in law amounting to Rs. 4,02,200/- and that Rs. 17,90,000/- deposited therein from withdrawals made from the very same bank account stood explained. However due to non availability of supporting documents, the Assessing Officer made addition of Rs. 14,05,600.

4. As per the reply dated 05.12.2018 extracted in the assessment order, it is seen that the Assessing Officer discarded the explanation wherein the assessee explained that she was engaged in the business of job works of stitching, sewing etc at her residence from last 12 years. She also pleaded that she was not maintaining any saving or current account and this account was opened only in the year under consideration. Holding that the onus to prove was not discharged, the Assessing Officer discarded the explanation.

5. The assessee carried the matter before the first appellate authority who granted part relief holding as under:

"Considering the assessee's reply that assessee had past savings, gross receipts of business of sewing, stitching etc., realization from

debtors, gifts and return of income of Rs 1,76,050/-, a benefit of Rs 5 lacs is being given to the assessee out of addition made of Rs 14,05,600/- in view of the fact that she would have received some gifts and must have got some personal savings. No further benefit can be given as no documentary evidence other than for the gifts received of Rs 8,04,400/- (for which relief has been already given by the AO) was furnished during the appellate proceedings. Addition of Rs 9,05,600/- is confirmed as the onus to establish the source of money deposited in the bank was on the assessee and she has failed to discharge the onus. This amount is her income from undisclosed sources on which tax is payable as per provisions of the Act."

6. I have gone through the material available on record and have heard the submissions of the ld. Sr. DR. I find that the adhoc relief of Rs. 5 lakhs on the reasoning that the assessee failed to give any evidence for *past savings, income from business of sewing, stitching etc, gifts and realization from debtors etc* wherein on facts it is pleaded that she maintained no bank account till recently remains unaddressed. The fact that she was working in the unorganized sector and the status of deposits and withdrawals of amount of Rs. 17,60,050/- has been accepted by the Assessing Officer himself and the ld. CIT(A) has also accepted the fact that the claims were valid. Thus, the fact that the assessee was engaged in the said activity running from her residence for the past few years has admittedly been accepted by the Revenue. Thus in the said backdrop, why the benefit of *Stridhan, past savings and gifts etc.* is arbitrarily accepted partly is not

addressed in the order. Considering the explanation and status accepted by authorities below, the explanation is plausible. The addition accordingly is directed to be deleted. Said order was pronounced in the open court at the time of hearing itself.

9. Accordingly, the appeal filed by the assessee is allowed.

Said order was pronounced in open court on 26th October, 2022.

Sd/-

(DIVA SINGH)
JUDICIAL MEMBER

Dated: 26.10.2022

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