

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

**SHRI SAKTIJIT DEY, JUDICIAL MEMBER**

ITA No.823/Del/2020  
Assessment Year: 2013-14

Shri Manish Malik, Flat No. B-221, DABS CGHS Ltd., Plot No. 6C, Dwarka Sector-23, New Delhi-110075	<b>Vs.</b>	Income-Tax Officer, Ward-43(5), New Delhi
<b>PAN :AJYPM9837C</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant by	Shri P.C. Yadav, CA
Respondent by	Shri Om Parkash, Sr. DR

Date of hearing	02.08.2022
Date of pronouncement	31.10.2022

**ORDER**

This is an appeal by the assessee against order dated 12.12.2019 of learned Commissioner of Income-Tax(Appeals)-15, Delhi pertaining to assessment year 2013-14.

2. The dispute in the present appeal is confined to the addition of Rs.17,80,000 as unexplained cash credit under Section 68 of the Income-Tax Act, 1961.

3. Briefly, the facts are, the assessee is a resident individual. For the assessment year under dispute, assessee filed his return of income on 31.03.2015 declaring income of Rs.9,10,730.

4. In course of assessment proceedings, while verifying at the details available on record, the Assessing Officer noticed that in the year under consideration, the assessee had deposited cash amounting to Rs.17,80,000 in his saving bank account.

5. When the assessee was called upon to explain the source of cash deposits, he explained that he is a contractor and engaged in construction work and the cash deposited in the bank account represents the amount received towards contract work. The Assessing Officer, however, was not convinced with the submissions of the assessee and added back the amount of Rs.17,80,000 as unexplained cash credit. The addition so made was also confirmed by the learned Commissioner (Appeals).

6. I have considered rival submissions and perused the material available on record.

7. On perusal of return of income filed by the assessee for the impugned assessment year as well as other material placed on record, it is noticed that the assessee is a small time contractor engaged in repair work of buildings. On perusal of the profit and

loss account for the assessment year under consideration, it is observed that in the year under consideration, the assessee had shown receipts from construction work at Rs.27,82,500. Further, on perusal of the details of contract receipts as well as other receipts, it appears that during the year under consideration, assessee had total receipts of about Rs.28,00,000, whereas the cash deposits are to the tune of Rs.17,80,000. It is further relevant to observe, in response to a query raised by the Assessing Officer, the assessee had specifically furnished this information before the Assessing Officer. Thus, in my view, assessee had properly explained the source of cash deposits through cogent evidences. That being the factual position emerging on record, I do not find any reason to sustain the addition. Accordingly, the addition of Rs.17,80,000 is hereby deleted.

8. In the result, the appeal is allowed.

***Order pronounced in the open court on 31<sup>st</sup> October, 2022.***

***Sd/-***  
**(SAKTIJIT DEY)**  
**JUDICIAL MEMBER**

Dated: 31<sup>st</sup> October, 2022.  
Mohan Lal

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi