

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

ITA No. 347/PUN/2022

निर्धारण वर्ष / Assessment Year : 2017-18

Smita Rajesh Kasar, 183, Balaji Peth, Saraf Bazar, Jalgaon, Maharashtra – 425 001 PAN : BBYPK0351C	Vs.	ITO, Ward-1(2), Jalgaon
Appellant		Respondent

Assessee by Shri Nikhil Pathak
Revenue by Shri M.G. Jasnani

Date of hearing 10-11-2022
Date of pronouncement 15-11-2022

आदेश / ORDER

PER R.S. SYAL, VP :

This appeal by the assessee arises out of the order dated 28-03-2022 passed by the National Faceless Appeal Centre (NFAC), Delhi u/s.250 of the Income-tax Act, 1961 (hereinafter also called 'the Act.) in relation to the assessment year 2017-18.

2. The only issue raised in this appeal is against the confirmation of addition of Rs.5,14,500/-.

3. Briefly stated, the facts of the case are that the assessee is running a business of Beauty Parlour. A return of income

was filed declaring total income of Rs.3,14,700/-. During the course of assessment proceedings, the Assessing Officer (AO) observed that a sum of Rs.5,14,500/- was deposited in the bank account. On being called upon to explain the source of the deposit, the assessee submitted that the amount came out of her business receipts earned during this year as well as preceding years. Not convinced, the AO made addition for the amount deposited. The assessee remained unsuccessful before the Id. CIT(A).

4. I have heard both the sides and gone through the relevant material on record. It is seen that the assessee deposited a sum of Rs.5,14,500/- in her bank account on 18-11-2016. Admittedly, the assessee is running a Beauty Parlour having furnished before the AO a Certificate of doing course in Beauty Culture and Hair Style. Return for this year was filed with total income at Rs.3,14,700/-. The assessee is regular in filing the returns right from the A.Y. 2012-13. Income-tax return (ITR) for the A.Y. 2012-13 was filed on 27-07-2012 with total income at Rs.1,93,466/-. Along with such return, Receipt and payment account, capital account and Balance sheet etc. along with the

computation of income, were also filed. The return for the A.Y. 2013-14 was filed with total income at Rs.2,21,000/-. Such return was filed on 10-07-2013. Similarly, for the next assessment year 2014-15, the return of income was filed on 30-11-2014 with total income at Rs.2,24,979/-. The return for the A.Y.2015-16 was filed on 26-10-2015 with total income at Rs.2,35,380/-. The return for the A.Y. 2016-17 was filed on 04-08-2016 with total income at Rs.2,83,420/- followed by the return for the assessment year under consideration, namely, 2017-18 with total income at Rs.3,14,700/-. This shows that the assessee was regularly filing the returns from the A.Y. 2012-13 onwards within the time allowed u/s.139(1) declaring total income of around Rs.2.00 lakh and above. Such returns were accompanied by Receipt and payment statement, Capital account and Balance sheets. The Balance sheet for the immediately preceding assessment year as on 31-03-2016, which has not been disputed, shows closing cash balance of Rs.5.00 lakh. Income for the year under consideration was shown at Rs.3,14,700/-. Out of such total income plus the cash in hand available coming from the preceding years, the

assessee deposited a sum of Rs.5,14,500/- in her bank account, leaving closing cash in hand at Rs.2.00 lakh. In my considered opinion, the assessee has successfully explained the source of deposit in her bank account. I, therefore, order to delete the addition.

5. In the result, the appeal is allowed.

Order pronounced in the Open Court on 15th November, 2022.

Sd/-
(R.S.SYAL)
उपाध्यक्ष/ VICE PRESIDENT

पुणे Pune; दिनांक Dated : 15th November, 2022
Satish

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The CIT(A) concerned
4. The Pr.CIT concerned
5. DR, ITAT, 'SMC' Bench, Pune
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	10-11-2022	Sr.PS
2.	Draft placed before author	14-11-2022	Sr.PS
3.	Draft proposed & placed before the second member	-	JM
4.	Draft discussed/approved by Second Member.	-	JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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