

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
**IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI**  
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष ।  
**Before Shri V. Durga Rao, Judicial Member &  
Shri Manoj Kumar Aggarwal, Accountant Member**

आयकर अपील सं./I.T.A. No.449/Chny/2022  
निर्धारण वर्ष/Assessment Year: 2017-18

Shri N. Venkatesh,  
5/14, Singilipatty, L. Kanavaipatty,  
Namakkal 637 002,  
Tamil Nadu.

Vs. The Income Tax,  
International Taxation Ward 2(1),  
Chennai.

**[PAN:ADUPV3691F]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri T.S. Lakshmi Venkataraman, FCA  
प्रत्यर्थी की ओर से/Respondent by : Shri P. Sajit Kumar, JCIT  
सुनवाई की तारीख/ Date of hearing : 15.11.2022  
घोषणा की तारीख /Date of Pronouncement : 30.11.2022

**आदेश /O R D E R**

**PER V. DURGA RAO, JUDICIAL MEMBER:**

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals) 16, Chennai dated 30.03.2022 relevant to the assessment year 2017-18.

2. Brief facts of the case are that the assessee filed his return of income for the assessment year 2017-18 on 31.05.2017 admitting total income of ₹.1,95,490/-. Subsequently, the case was selected for scrutiny through CASS and notice under section 143(2) of the Income Tax Act,

1961 was issued to the assessee on 09.08.2019 as well as notice under section 142(1) of the Act was also issued calling for details. After considering the details furnished by the assessee against statutory notices and by following due procedure, the Assessing Officer has completed the assessment under section 143(3) of the Act dated 04.12.2019 assessing total income of the assessee at ₹.13,65,990/- by making addition towards unexplained cash deposit of ₹.11,70,500/- under section 69A of the Act. In the assessment order, the Assessing Officer has noted that on verification of the details furnished by the assessee, the assessee has deposited cash to the tune of ₹.11,70,500/- in the savings bank account held with HDFC Bank and called for the details. The assessee has submitted that the cash deposits were made out of the funds which were withdrawn from his NRE account and then deposited in cash into the NRO account during demonetization period. On perusal of the bank statement, the Assessing Officer has observed that there was no cash withdrawal from 01.04.2016 to 08.11.2016 in both the NRE and NRO account. Accordingly, the above amount of ₹.11,70,500/- was brought to tax as unexplained money under section 69A of the Act. On appeal, after considering the submissions of the assessee, the Id. CIT(A) gave relief to the extent of ₹.3,00,000/-.

3. On being aggrieved, the assessee is in appeal before the Tribunal. By filing a written submission enclosing cash account of the assessee, the Id. Counsel for the assessee has submitted that as directed by the Bench on the day of hearing on 15.09.2022, the assessee has furnished cash account to establish the withdrawal of ₹.24,00,000/- from the HDFC Bank account on 20.01.2015, which was available for re-deposit of SBN's on 10.11.2016, 14.11.2016 and 15.11.2016 and prayed for deleting the addition of ₹.11,70,500/-.

4. On the other hand, the Id. DR has submitted that the assessee may be withdrawn ₹.24,00,000/- from the HDFC bank account on 20.01.2015, but it is unbelievable that the assessee has retained the cash to the extent of ₹.11,70,500/- even after lapse of nearly 21 months of its withdrawal.

5. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. The case of the assessee is that the assessee is an NRI and he has drawn ₹.24,00,000/- in cash on 20.01.2015 for the purpose of emergency medical treatment of his parents who are residing in a village near Namakkal. However, the assessee could not able to demonstrate as to how much amount was spent for medical treatment and what was available with the assessee.

On perusal of the cash account, we also find that the assessee has also made withdrawals frequently between 20.01.2015 to 21.09.2016 after withdrawing ₹.24.00 lakhs on 20.01.2015. Keeping in mind the fact of Indians having propensity to save whatever morsel of small sums that comes our way, we are inclined to give relief to the extent of 50% of the balance addition of ₹.8,70,500/- and confirm the balance addition under section 69A of the Act.

6. In the result, the appeal filed by the assessee is partly allowed.

Order pronounced on 30<sup>th</sup> November, 2022 at Chennai.

Sd/-  
(MANOJ KUMAR AGGARWAL)  
ACCOUNTANT MEMBER

Sd/-  
(V. DURGA RAO)  
JUDICIAL MEMBER

Chennai, Dated, 30.11.2022

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy 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.