

आयकर अपीलीय अधिकरण, 'बी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'B' SMC BENCH, CHENNAI
श्री वी दुर्गा राव न्यायिक सदस्य के समक्ष
Before Shri V. Durga Rao, Judicial Member

आयकर अपील सं./I.T.A. No.850/Chny/2022
निर्धारण वर्ष/Assessment Year: 2013-14

Smt. Mangayarkarasi Subramaniam,
53/1, Avvaiyar Street,
Erode. 638 011.
[PAN:ARHPM8094N]

Vs. The Income Tax Officer,
National Faceless Assessment Centre,
Delhi.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri S. Sridhar, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri D. Hema Bhupal, JCIT
सुनवाई की तारीख/ Date of hearing : 07.12.2022
घोषणा की तारीख /Date of Pronouncement : 14.12.2022

आदेश /ORDER

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, dated 08.09.2022 relevant to the assessment year 2013-14.

2. Brief facts of the case are that as per AST/AIR information on ITD query, the assessee has deposited cash amounting to ₹.13,90,000/- in her saving bank account during the financial year 2012-13 relevant to the assessment year 2013-14. Since the assessee has not filed return of income, the Assessing Officer initiated

proceedings under section 147 of the Income Tax Act, 1961 ["Act" in short] and notice under section 148 of the Act dated 18.09.2019 was issued to the assessee requiring her to file the return of income. Since the assessee has not complied with the notice issued under section 148 of the Act or various notices issued under section 142(1) of the Act or explained about the cash deposit of ₹.13,90,000/-, the Assessing Officer concluded best judgement assessment under section 147 r.w.s.144 r.w.s. 144B of the Act dated 15.09.2021 and brought to tax the entire unexplained cash credit of ₹.13,90,000/-. On appeal, the Id. CIT(A) (NAFC) confirmed the addition to the extent of ₹.10,00,000/- and partly allowed the appeal of the assessee.

3. On being aggrieved, the assessee is in appeal before the Tribunal. The Id. Counsel for the assessee has submitted that before the Id. CIT(A), by filing the bank statement, the assessee has explained in detail about the cash withdrawals and deposits into her saving bank account and overall there was a meagre deficit of ₹.29,000/- for which, the Id. CIT(A) has confirmed the addition to the extent of ₹.10 lakhs is not at all justified and prayed for deleting the addition.

4. On the other hand, the Id. DR supported the order passed by the Id. CIT(A).

5. Both the sides have been heard, perused the materials available on record and gone through the orders of authorities below. The only issue raised by the Id. Counsel for the assessee is with regard to the addition of ₹.13.90 lakhs. Before the Id. CIT(A), in support of the bank statement, the assessee has substantiated the utilization of the earlier withdrawals for the subsequent cash deposits into the bank account and the same are reproduced as under:

Opening balance as on 01/04/2012- ₹.1,06,000/-. Used for depositing on 30/04/2012 – ₹.55,000/-; leaving a balance of ₹.51,000/-. Sums withdrawn on 05/06/2012 – ₹.6,00,000/- + on 21/07/2012= ₹.30,000/- + on 28/07/2012-₹.20,000/- + the balance of ₹.51,000/- comes to ₹.7,01,000/-. Out of the above, deposited on 10/08/2012= ₹.55,000/- + on 14/08/2012 – ₹.4,25,000/-; leaving a balance of ₹.2,21,000/-; Sums withdrawn on 03/09/2012= ₹.3,00,000/- + on 08/09/2012= ₹.1,50,000/- + balance of ₹.2,21,000/- comes to ₹.6,71,000/-. Out of the above, deposited on 10/09/2012=

₹.7,00,000/- leaving a negative cash balance of ₹.29, 000/-;
Sums withdrawn on 20/09/2012 – ₹.1,65,000/- leaving the
balance of ₹.1,36,000/-; Out of the above, deposited on
03/11/2012 – ₹.1,00,000/-, leaving a balance of ₹.36,000/-;
Sums withdrawn on 27/12/2012 – ₹.92,000/-, leaving a
balance of ₹.1,28,000/-; Out of the above, deposited on
16/02/2013 – ₹.55,000/-, leaving a balance of ₹. 73,000/-;
Sums withdrawn on 30/03/2013- ₹.20,000/-, leaving a
balance of ₹.93,000/-. From the above, it is established that
barring a deficit of ₹.29,000/- mentioned above, all other
cash deposits were out of earlier withdrawals and
considering the savings habit of Indian women, this may be
considered in the interest of justice.

6. In the appellate order, the Id. CIT(A) has observed that the assessee has not mentioned any reason as to why the cash was withdrawn and why it was kept with her only to be deposited back in the bank account. The Id. CIT(A) has not doubted that the monies were not belong to the assessee. When the monies belong to the assessee, it is her prerogative as to whether to keep the money in the bank or

with her in cash. The deposits and withdrawals are as per the bank statement furnished before the Id. CIT(A) except barring a deficit of ₹.29,000/- only which was not disputed. Under the above facts and circumstances, the entire addition of ₹.13,90,000/- made by the Assessing Officer is hereby deleted

7. In the result, the appeal filed by the assessee is allowed.

Order pronounced on 14th December, 2022 at Chennai.

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 14.12.2022

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.