

IN THE INCOME TAX APPELLATE TRIBUNAL  
PANAJI 'SMC' BENCH : PANAJI  
(THROUGH VIRTUAL HEARING)  
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER  
ITA.No.12/PAN/2022  
Assessment Year 2017-2018

Shri Luzito Sebastiao Rodrigues, H.No.72B, Xamodhi, Dramapur Salcete, South Goa, Goa – 403 725 PAN AFFPR0546C	vs.,	The Income Tax Officer, International Tax Ward, Panaji. Goa – 403 001.
(Appellant)		(Respondent)

For Assessee :	Shri Dharan Gandhi
For Revenue :	Shri N. Shrikant

Date of Hearing :	30.01.2023
Date of Pronouncement :	30.01.2023

**ORDER**

This assessee's appeal for assessment year 2017-18, arises against the CIT(A)-12, Bengaluru's order dated 10.02.2022, passed in case ITA.No.10154/CIT(A)-12/2019-20, in proceedings u/s. 143(3) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. The assessee pleads the following substantive grounds in the instant appeal :

1. *"The Ld. CIT(A) erred in upholding the action of the Ld. AO in adding cash deposit of Rs.5,38,000/- as unexplained money u/s 69A of the Income-tax Act, 1961 (The Act). The*

*reasons given in this regard are patently erroneous and unjustified.*

2. *The Ld. CIT(A) erred in upholding the action of the Ld. AO in taxing such cash deposit of Rs.5,38,000/- u/s 115BBE of the Act at the rate of 60%.*
3. *The Ld. CIT(A) erred in upholding the levy of interest u/s 234B and 234C of the Act.*
4. *The Ld. CIT(A) erred in not setting aside the action of the Ld. AO in initiating penalty proceedings u/s 271(1)(c) of the Act.*
5. *The appellant craves leave to add, to amend, alter/delete and/or modify the above grounds of appeal on or before the final hearing.”*

3. It is thus clear that the assessee’s sole substantive ground pleaded in the instant appeal seeks to reverse both the lower authorities action treating the cash deposits of Rs.5.38 lakhs during demonetization period as unexplained u/s.69A of the Act. A perusal of the case file, and more particularly, the CIT(A)'s detailed discussion in para-9 page-8 suggests that he has nowhere doubted the “wherewithal” of the assessee having earned the sum in issue from an overseas employment on a monthly salary of about \$5000.

3.1. It is further evident from the Assessing Officer’s detailed discussion at page-4 para-5, that he had only given a

credit of Rs.10,01,830/- involving assessee's son-in-law so far as the former's total cash deposits of Rs.15,39,830/- are concerned.

4. Ld. Departmental Representative could hardly dispute that both the lower authorities have nowhere granted credit of assessee's cash withdrawals almost exceeding Rs.12 lakhs right from 01.04.2015 till demonetization. The fact also remains that assessee has also not filed all the relevant details of his house hold expenditure vis-à-vis foregoing withdrawals so as to attribute source of these cash deposits. Faced with the situation, I deem it appropriate that a *lump sum* addition of Rs.2,50,000/- out of that in issue of Rs.5.38 lakhs would be just and proper with a rider that the same shall not be treated as a precedent. Necessary computation shall follow as per law.

5. No other ground has been argued or pressed during the course of hearing.

6. This assessee's appeal is partly allowed in above terms.

Order pronounced in the open court on 30.01.2023.

Sd/-  
[SATBEER SINGH GODARA]  
JUDICIAL MEMBER

Pune, Dated 30<sup>th</sup> January, 2023

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Ld. CIT(A) concerned.
4.	The CIT concerned
5.	D.R. ITAT, Panaji 'SMC' Bench, Panaji
6.	Guard File.

//By Order//

Assistant Registrar, ITAT, Pune Benches,  
Pune.