

IN THE INCOME TAX APPELLATE TRIBUNAL
“RANCHI BENCH, RANCHI
VIRTUAL HEARING AT KOLKATA

Before Shri Sanjay Garg, Judicial Member and Shri Rajesh Kumar, Accountant Member

I.T.A. No.60/Ran/2022
Assessment Year: 2017-18

Subrata Das Gupta..... Appellant
C/o Pasari & Associates,
202, 2nd Floor, H.P. Chamber,
Behind Shri Gopal Complex,
Kutchery Road,
Ranchi-834001.
[PAN: ADKPG3720E]

vs.

DCIT/ACIT, Circle-3, Ranchi..... Respondent

Appearances by:

Shri Nitin Pasari, Adv., appeared on behalf of the appellant.

Shri Pranob Kumar Koley, Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : March 02, 2023

Date of pronouncing the order : April 28, 2023

ORDER

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 08.07.2022 of the National Faceless Appeal Centre [hereinafter referred to as ‘CIT(A)’] passed u/s 250 of the Income Tax Act (hereinafter referred to as the ‘Act’).

2. The sole issue involved in this appeal is relating to the addition made by the lower authorities of Rs.5,71,925/- on account of cash deposits in the bank account of the assessee which has been treated as unexplained income of the assessee u/s 69A of the Act.

3. The brief facts of the case are that during the demonetization period a total cash of Rs.32,64,000/- was found deposited in the bank

account of the assessee during the period of 09.11.2016 to 31.12.2016. On being asked to explain, the assessee submitted the evidences of the source of deposits as cash received from his clients prior to demonetization amounting to Rs.23,69,972/- and further out of past savings and cash withdrawals from his own bank account and from his father's bank account prior to demonetization period.

4. The Assessing Officer examined the details and accepted the source of deposits of Rs.23,69,972/- being the amount received from the clients. The Assessing Officer also accepted the opening cash of Rs.2,40,160/- and he also considered the professional receipt of Rs.42,393/- and savings of minor daughter deposited in account no.1766 at Rs.29,550/-. He further observed that the assessee has failed to disclose the source of balance amount of Rs.5,71,925/- and added the same as unexplained income of the assessee.

5. In appeal, the ld. CIT(A) confirmed the addition so made by the Assessing Officer.

6. Before us, the ld. Counsel for the assessee has invited our attention to the impugned order of the CIT(A), wherein, the ld. CIT(A) himself has reproduced in chart the different amounts along with dates of withdrawal from the bank accounts of the assessee and as well as of his father totaling approximately Rs.12,00,000/-. The aforesaid withdrawals have been made by the assessee during the year 2016 itself. Even, if we consider the observations of the CIT(A) that it cannot be presumed that the entire cash has been re-deposited by the assessee, even then the cash withdrawal made by the assessee during the year from the bank accounts was sufficient to explain the source of the deposits of Rs.5,71,925/- in the bank account of the assessee.

In view of this, we do not find any justification on the part of the lower authorities in making the impugned addition and the same is accordingly ordered to be deleted.

7. In the result, the appeal of the assessee stands allowed.

Kolkata, the 28th April, 2023.

Sd/-
[Rajesh Kumar]
Accountant Member

Sd/-
[Sanjay Garg]
Judicial Member

Dated: 28.04.2023.

RS

Copy of the order forwarded to:

1. Subrata Das Gupta
2. DCIT/ACIT, Circle-3, Ranchi
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches