

**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.37/Ran/2021**  
Assessment Year: 2017-18

**Shri Milan Jain..... Appellant**  
**C/o Vinay Kumar Jalan,**  
**O. P. Jalan & Associates**  
**Consultant LLP, 48 Cart Sarai**  
**Road, Upper Bazar, Ranchi.**  
**[PAN: BDAPJ6745D]**

**vs.**

**ITO, Ward-1(1), Ranchi..... Respondent**

**Appearances by:**

Shri Vinay Jalan, FCA, appeared on behalf of the appellant.  
Shri Pranob Kumar Koley, Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : February 28, 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 02.11.2018 of the Commissioner of Income Tax(Appeals), Ranchi [hereinafter referred to as ‘CIT(A)’] passed u/s 250 of the Income Tax Act (hereinafter referred to as the ‘Act’).

2. The assessee is aggrieved by the action of the lower authorities in confirming the addition of Rs.9,94,880/- on account of cash deposited found in the bank account of the assessee during the demonetization period.

3. At the outset, the ld. Counsel for the assessee has submitted that a total amount of Rs.12,54,000/- was deposited during the demonetization period. It was contended by the ld. Counsel that the said amount was out of past savings of the assessee which were fully justified as per the balance sheet furnished by the assessee. That the assessee was a regular Income Tax assessee and had filed Income Tax Return for the last four years. That the assessee for the year under consideration had declared total income of Rs.1,84,740/-. The ld. Counsel has further submitted that in fact the Assessing Officer did not give proper opportunity to the assessee to furnish the relevant submissions and documents to prove the source of the deposits being out of past income and savings of the assessee. That the Assessing Officer has only considered Rs.3,00,000/- out of past savings of the assessee and made the addition of the remaining amount of Rs.9,54,000/-. The ld. Counsel has submitted that the assessee may be given an opportunity to make her appropriate submissions before the Assessing Officer.

4. The ld. DR, on the other hand, has relied upon the findings of the lower authorities.

5. Considering the rival submissions, we are of the view that the interest of justice will be well-served if the assessee is given an opportunity to present her case before the Assessing Officer. Needless to say that the Assessing Officer will give proper and adequate opportunity to the assessee to furnish the relevant documents/submissions and thereafter to decide the issue afresh in accordance with law.

6. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

***Kolkata, the 28<sup>th</sup> April, 2023.***

Sd/-  
**[Rajesh Kumar]**  
**Accountant Member**

Sd/-  
**[Sanjay Garg]**  
**Judicial Member**

Dated: 28.04.2023.

RS

*Copy of the order forwarded to:*

1. Sri Deven Chand Jain HUF
2. ITO, Ward-2(2), Dhanbad
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches