

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AMRITSAR BENCH, AMRITSAR.**

**BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER  
AND SH. ANIKESH BANERJEE, JUDICIAL MEMBER**

**I.T.A. No.167/Asr/2022  
Assessment Year: 2017-18**

Amiteshwar Singh Sidhu, Ferozepur Road, Moga. [PAN:HHMPS3066J] <b>(Appellant)</b>	Vs.	DCIT, Circle-1, Bathinda.  <b>(Respondent)</b>
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<b>Appellant by</b>	None. (Written submission)
<b>Respondent by</b>	Dr.Vedanshu Tripathi, Sr. DR

<b>Date of Hearing</b>	23.05.2023
<b>Date of Pronouncement</b>	30.05.2023

**ORDER**

**Per:Anikesh Banerjee, JM:**

The instant appeal of the assessee was filed against the order of the Id. Commissioner of Income Tax (Appeals),-43, New Delhi,[in brevity the CIT (A)] order passed u/s 250 (6) of the Income Tax Act 1961[in brevity the Act], for A.Y. 2017-18.The impugned order was emanated from the order of the Id.Income Tax Officer (Nodal Officer), International Taxation,Ward-3(1)(2) ,[in brevity the AO] order passed u/s 143(3) of the Act.

2. The assessee has taken the following grounds: -

*“1. Because, the Ld. CIT (A) erred in law as well as on facts while confirming the following addition u/s 69A of the Act r.w.s 115BBE. a. Total cash deposited by the assessee in his bank account no. 55162611676 maintained with SBI during the year under assessment Rs. 28,40,000/-. b. Total Addition made by the A.O. under Section 69 A of the Act, 1961 treating it as deemed Income Rs. 28,40,000/-. c. Addition deleted by the Ld. CIT (A) Rs. 20,92,359/-. d. Addition confirmed by the Ld. CIT(A) (b-c) Rs. 7,47,641/-. 2. Because, the following observation of the Ld CIT (A) in the order are perverse, arbitrary, baseless and misleading, a. “The assessee has not been able to prove or justify the sources from where the income has earned during the year under consideration. Hence the action of the A.O. in charging tax at the rate prescribed u/Sl 15BBE in this case on the amount declared by the assessee as declared in the ROI for A.Y. 2017-18 is found sustainable and upheld (Para 5.1.5 of order).*

*2. Because, the Learned CIT (Appeals) has erred in overlooking and summarily rejecting the detailed statement of facts submitted along with Memorandum of Appeal, various documents and evidence placed in Paper Book filed, detailed written submission and case laws while accepting the lopsided and factually incorrect version of Learned Assessing*

*Officer. 4. Because, the Learned Lower Authorities are erred in making addition u/s 69A of the Act on account of cash deposited from explained sources by the assessee in his Bank Account with State Bank of India. The cash amounting Rs. 7,47,641/- has been deposited out of the explained sources of Income which are duly shown in Income Tax Return for the A.Y. 2017-2018. 5. That the appellant craves leave to add/ alter any of the grounds of appeal on or before the date of hearing. 6. That it is prayed that the confirmed addition kindly be deleted and appeal be accepted.”*

3. Brief fact of the case is that the assessee deposited cash in a day in State Bank of India on dated 27.12.2016 amount to Rs.28,40,000/-. In assessment, the Id. AO was dissatisfied about the explanation of the assessee about the source of cash deposit, the entire amount of Rs.28,40,000/- was added back with the total income of the assessee u/s 69A of the Act. Being aggrieved, the assessee filed an appeal before the Id. CIT(A). The Id. CIT(A) after considering the explanation of the assessee the addition of Rs.20,92,359/- was deleted and restricted the addition amount of Rs.7,47,641/-. Being aggrieved the assessee filed an appeal before us for addition amount to Rs 747,641/-.

4. When the appeal was called for hearing, none was present on behalf of the assessee. We find from the record that the written submission was filed by the Id.

Counsel for the assessee. It was prayed to dispose the appeal by considering the written submission. In view of the above and considering the nature of dispute, we proceed to dispose the appeal after hearing the learned DR and on the basis of material available on the record.

5. The Id. DR vehemently argued and fully relied on the order of the revenue authorities.

6. We heard the submission of revenue and relied on the documents available in the record. The assessee filed a written submission and submitted the evidence from **APB page 1 to 235** which are kept in the record.

6.1 The assessee further claimed that the assessee has a sufficient source for depositing cash in the bank account. The cash flow statement and bank statement are also filed which are annexed in **APB page 8 to 10**. The detail of cash book is also placed in **APB page 23 to 71**. All the documents were submitted before the Id. AO against the notice issued u/s 142(1) on dated 17.12.2019. The copy of letter is annexed in **APB page 11 to 22**. The details also submitted before the Id. CIT(A), copy of the submission dated 07.06.2022 which are filed on 09.06.2022 against the notice issued u/s 250 of the Act which is annexed in **APB page 72 to 75**. None of the authority had rejected the assessee's cash flow statement. The assessee had sufficient cash before the date of deposit of cash in bank. As per the submission of assessee, in **APB page 66**, the sufficient cash balance is reflected on dated

27.12.2016. The opening cash is reflected amount to Rs. 28,41,359/- which had sufficient to deposit the cash amount to Rs.28,40,000/- in the bank a/c of the assessee. The ld. CIT(A) had not made any proper reason for disallowance of balance amount to Rs.7,47,641/-. Accordingly, we set aside the appeal order. The assessee explained properly the source for depositing of cash in bank account. The entire evidence stands in favour of assessee. So, the addition amount of Rs.7,47,641/- is quashed.

7. In the result, the appeal of the assessee bearing **ITA No. 167/Asr/2019** is allowed.

**Order pronounced in the open court on 30.05.2023**

Sd/-

**(Dr. M. L. Meena)**  
**Accountant Member**

Sd/-

**(ANIKESH BANERJEE)**  
**Judicial Member**

AKV

Copy of the order forwarded to:

- (1)The Appellant
- (2) The Respondent
- (3) The CIT
- (4) The CIT (Appeals)
- (5) The DR, I.T.A.T.

True Copy  
By order