

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI**

Before Sh. Kul Bharat, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

ITA No. 678 /Del/2023 : Asstt. Year: 2017-18

Ranbir, C/o The Tax Chambers, Advocates & Legal Advisors, C-177, Defence Colony, LGF, New Delhi-110024 (APPELLANT)	Vs	Income Tax Officer, Ward-5, Rohtak, Haryana-124001 (RESPONDENT)
PAN No. BODPS8103L		

Assessee by : Ms. Swati Talwar, Adv.

Revenue by : Sh. Om Parkash, Sr. DR

Date of Hearing: 31.07.2023

Date of Pronouncement: 31.07.2023

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by assessee against the order of National Faceless Appeal Centre (NFAC), Delhi dated 11.01.2023.

2. Following grounds have been raised by the assessee:

"1. That on the facts and circumstances of the case, the order passed by the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre - CIT (A), NFAC, ("Ld. CIT(A)") dated 11.01.2023 (hereinafter referred to as 'impugned appellate order') is erroneous, arbitrary, without jurisdiction, illegal and bad in law.

2. That the Ld. CIT(A) has grossly erred in law and on facts of the case in confirming the addition made by Income Tax officer, Ward 5, Rohtak (hereinafter

referred to as "Ld. AO") u/s 144 of the Income Tax Act in case of the Appellant amounting to Rs.8,50,000/-on account of cash deposit made during demonetization period being treated as unexplained money.

3. That on the facts and circumstances of the case the assessment order passed by the Ld. AO and confirmed by Ld. CIT (A) is in violation to the principles of natural Justice. The Ld. AO did not pass the speaking order and disregarded the return of income and responses filed by the Appellant.

4. That the LA. CIT(A) has erred in law and on facts in confirming the additions made by Ld. AO under Section 69A r.w.s. 115BBE amounting to INR 8,50,000 by considering agricultural income as unexplained cash deposit.

5. That the Ld. CIT(A) has erred in law and on facts in confirming Ld. AO's order making additions under Section 69A r.w.s. 115BBE amounting to INR 8,50,000/- which was passed solely relying upon information about cash deposits made during the demonetization period and not bringing any evidence contrary to documents on record.

6. That the Ld. AO has grossly erred in law and on facts of the case in invoking provisions of 69A r.w.s 115BBE.

7. That the Ld. CIT(A) erred in not considering the return of income and additional evidences as filed by the appellant under Rule 46A."

3. The assessee is an agriculturist engaged in agriculture and allied activities. Based on the total cash deposits of Rs.11,00,000/-, the AO made addition of Rs.8,50,000/- giving benefit of Rs.2,50,000/- as cash in hand which the Id. CIT(A) has confirmed.

4. We have gone through the summary of cash which is as under:

Particulars	Amount (In Rs.)
Opening Balance as on 01.04.2016	1,99,832
Add: Cash Withdrawal from Bank	10,01,000
Add: Milk Sale	2,88,695
Add: Agriculture Income	1,20,000
Less: Expenses incl. Chara Exp., Household Expt., Conveyance, Drawing etc.	4,98,252
Closing Balance as on 07.11.2016	11,11,275

5. On going through the availability of the cash along with its sources with the assessee, we hold that no addition is called for on this account.

6. In the result, the appeal of the assessee is allowed.
Order Pronounced in the Open Court on 31/07/2023.

Sd/-
(Kul Bharat)
Judicial Member

Sd/-
(Dr. B. R. R. Kumar)
Accountant Member

Dated: 31/07/2023

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR