

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

**BEFORE SH. SHAMIM YAHYA, ACCOUNTANT MEMBER**

ITA No.722/Del/2023  
(Assessment Year : 2017-18)

Rajesh Rana 48, Hasanpur, I P Estate, East Delhi, Delhi-110 092 <b>PAN No. AAKPR 8804 P</b> <b>(APPELLANT)</b>	Vs.	ACIT Circle – 59(1) New Delhi <b>(RESPONDENT)</b>
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Assessee by	Shri Naveen Kumar Dahiya, C.A.
Revenue by	Shri Om Prakash, Sr. D.R.

Date of hearing:	19.10.2023
Date of Pronouncement:	26.10.2023

**PER SHAMIM YAHYA, AM :**

This appeal filed by the assessee is directed against the order of Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC)-Delhi dated 18.01.2023 pertaining to Assessment Year 2017-18.

2. Although, the assessee has raised various grounds, the Learned Counsel for the assessee, at the outset, submitted that assessee will press for an opportunity to submit all books of accounts and record before the Assessing Officer for proper canvassing of the case.

3. In this case, the Assessing Officer has passed an order under section 144 of the Income-tax Act, 1961. The Assessing Officer observed that the assessee has deposited unexplained cash of Rs.17,85,000/- in the bank in cash during the demonetization period. He has also estimated profit @ 8% on total turnover of Rs.2,01,31,800/- which came to Rs.16,10,544/-.

4. Against the above order, assessee appealed before the Learned CIT(A).  
Learned CIT(A) noted that submissions of the assessee as under:

*“Respected Sir I am an Airtel vendor for mobile recharge in the Financial year 2016-17 i.e. in the year of demonetisation and was doing the same line of business in the previous years also. My business can be proved from my bank statement because all the cash collected from the customers had been deposited in the bank and paid to the telecom operator AIRTEL even before and after demonetisation period. The assessing officer has taken all the cash collected against mobile recharges as income and taxed in the assessment order. All the money deposited during demonetisation period was as per government directions and against mobile recharges the relevant context of the publication are attached herewith. My humble request to set aside the demand as raised by the assessing office in assessment order.”*

5. Further submissions of the assessee was also as under:

*“Demonetisation: Pre-paid recharges up to Rs.500 in old notes allowed till Dec 15 Consumers with pre-paid connections will be able to do top-ups for a maximum of Rs.500 each using older currency notes till December 15.”*

6. But Learned CIT(A) was not convinced. He noted that no submissions was made to establish the assessee's claim hence, he confirmed the order of AO. Against this, assessee is in appeal before the ITAT.

7. I have heard both the parties and perused the material on record. I find that it is a submission of the assessee that he has deposited cash in the bank and paid to the telecom operator Airtel and he has doing this business before demonetisation period also. That assessee is a vendor of SIM cards and authorities below have not properly appreciated the assessee's plea.

8. Per contra, Learned DR relied upon the order of authorities below.

9. Upon careful consideration, we find that it is the assessee's plea that amount deposited in demonetisation period was business receipt. It is further being pleaded that assessee has been a dealer in property and SIM cards. This aspect it has not been appreciated properly by the authorities below. Upon careful consideration, I remit the issue to the file of Assessing Officer. The assessee is directed to furnish the necessary books of accounts and other related documents to support his claim before the Assessing Officer. Needless to say, the Assessing Officer shall grant adequate opportunity of being heard to the assessee.

10. In the result, appeal of assessee stands allowed for statistical purposes.

**Order pronounced in the open court on 26.10.2023**

**Sd/-**

**(SHAMIM YAHYA)  
ACCOUNTANT MEMBER**

Date:- 26.10.2023

*Priti Yadav, Sr. PS\**

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT NEW DELHI