

**IN THE INCOME TAX APPELLATE TRIBUNAL
JODHPUR BENCH, JODHPUR
(VIRTUAL COURT)
BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER
AND SH. ANIKESH BANERJEE, JUDICIAL MEMBER**

I.T.A. No. 130/Jodh/2022
Assessment Year: 2014-15

Sh. Raji Ram Jat
Chak 3-E Chhoti, Shiv Nagar,
Sriganganagar, Rajasthan

[PAN: ADPPJ 9221L]
(Appellant)

Vs. Income Tax Officer,
Ward-1, Sriganganagar
Rajasthan

(Respondent)

Appellant by : Sh. T. C. Gupta, Adv.
Respondent by : Sh. Laxman Singh Gurjar, Sr. DR

Date of Hearing : 20.11.2023
Date of Pronouncement : 22.11.2023

ORDER

Per Dr. M. L. Meena, AM:

This captioned appeal has been filed by the assessee against the order of the Id. CIT(A) National Faceless Appeal Centre (NFAC), Delhi dated 10.08.2022 in respect of Assessment Year: 2014-15 wherein the

appellant has challenged the order of the Id. CIT(A) in confirming the addition made u/s 69A by treating the amount deposited in the saving bank A/c as the investment.

2. At the outset, the Id. counsel for the assessee has submitted that the appellant assessee is an agriculturist and wine contractor. The AO has completed assessment by making an addition of Rs.20,37,029/- u/s 69 on account of amount deposited in saving bank A/c based on peak cash credit theory. The Id. CIT(A) has confirmed the addition made by the AO as unexplained investment within the meaning of provisions of section 69 of the I. T. Act, 1961. The appellant has pleaded that he has made cash deposit of Rs.50,70,500/- with Union Bank of India Shri Ganganagar during the financial year 2013-14 relevant to assessment year 2014-15. The counsel has submitted that the authorities below has not appreciated the merits of the case and ignored the submissions of the appellant particularly bank statement and the explanation submitted in respect of deposits therein and thus, passed the order without application of mind in a cryptic manner. He requested that the matter may sent to the file of the AO to give one more opportunity to the appellant assessee to comply the queries of the Assessing Officer to explain the cash deposit in its bank A/c with the

supporting corroborative documentary evidences to the satisfaction of the Assessing Officer.

3. The Id. DR has no objection to the request of the counsel.

4. Heard both the sides, perused the record and the impugned order. We find that the appellant assessee has made cash deposits to its saving bank A/c which has been ignored by the AO while rejecting the explanation submitted by the appellant assessee. In our view, opportunity of being heard is required to be given to the appellant by the Assessing Officer in view of principles of natural justice. Further, the assessee being an agriculturist, and a small contractor, he should get afresh opportunity of being heard before the Assessing Officer to file the requisite details in support of its claim to explain the said disputed cash deposits as computed as peak cash deposit by the AO. Accordingly, we consider it deem fit to remand back the matter to the file of the Assessing Officer to pass denovo assessment order after granting adequate opportunity of being heard to the appellant assessee after considering the documentary evidences, to be furnished in support of its claim of the said disputed cash deposits in the denovo assessment proceedings. At the same time, the appellant assessee shall co-operate in the assessment proceedings before the

Assessing Officer. Accordingly, the matter is restored back to the file of the AO to pass denovo assessment as per law.

5. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open court on 22.11.2023

Sd/-
(Anikesh Banerjee)
Judicial Member

Sd/-
(Dr. M. L. Meena)
Accountant Member

GP/Sr.PS

Copy of the order forwarded to:

1. The Appellant
2. The Respondent
3. The CIT
4. The CIT (A)
5. The DR
6. Guard File

Assistant Registrar
Jodhpur Bench