

**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH 'DB', JABALPUR**

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

Sh. Yogesh Kumar US, Judicial Member

ITA No. 66/JAB/2023 : Asstt. Year: 2015-16

Neelam Gupta, H.No 561/14, Kachnar Vihar Road, Vijay Nagar, Jabalpur, 482001	Vs	ITO, Ward 1(1), Jabalpur, MP
(APPELLANT)		(RESPONDENT)
PAN No. ALCPG 5456 D		

Assessee by : Sh. Akhil Awasthi, Adv.

Revenue by : Sh. Shiv Kumar, JCIT-(DR-2)

Date of Hearing: 23.11.2023

Date of Pronouncement: 28.11.2023

ORDER

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

The present appeal has been filed by assessee against the order of Id.NFAC/CIT(A), New Delhi dated 17.03.2023.

2. The assessee has raised the following grounds of appeal are as under:-

- 1. On the facts and in the circumstances of the case and in law where an appeal is filed before the Tribunal against the order of Commissioner (Appeals) erred in not considering the reply filed by the assessee and without appreciating the facts as enumerated in the case had dismissed the appeal which is illegal and void.*

2. *On the facts and in the circumstances of the case and in law where an appeal is filed before the Tribunal against the order of Commissioner (Appeals) erred in confirming addition of Rs. 7,94,000.00 u/s 69A which is unwarranted and excessive.*

3. The assessee manually filed ITR declaring total income of Rs.41,350/-. The case was selected for limited scrutiny through CASS to verify derivatives (Futures) transaction. Accordingly notices u/s 143(2) and 142(1) were sent by the AO, in response to which father-in-law of assessee attended the proceeding.

4. The assessee declared her income under the head STCG at Rs. 8,745/- and other miscellaneous income from beauty parlor and interest income at Rs.32,600/- under the head income from other sources. As per the AO, since all the investment/trading in derivatives/shares were made by the assessee from her ICICI Bank bearing A/c No. 07620000189, thus it is necessary to examine the sources of funds for investment or, trading in derivatives.

5. On examination of the ICICI Bank Account of the assessee, the AO was found that there have been cash deposits on various dates and credit entries also from Sh. Jageshwar Prasad Gupta and other parties, so the assessee was asked to furnish sources of cash deposits and the credit entries from various persons. The assessee explained the source of the same which has been mentioned in Para 4 of the assessment order, as per the AO the assessee failed to explain the same satisfactorily, therefore AO added the same at Rs. 7,94,000/-

as unexplained money of the assessee u/s. 69A of the IT Act, 1961.

6. The Id. CIT(A) affirmed the action of the Assessing Officer.

7. Aggrieved the assessee filed before the Tribunal.

8. During the hearing before us, the Id. AR submitted that all the credits are transfer entries from the account of Jageshwar Prasad Gupta who is the father in law and a retired Superintendent Engineer having pension income. All the investment/trading in derivatives/shares were made by the assessee from her ICICI Bank a/c bearing a/c no.-076201000189. The source of money is from Shri Jageshwar Prasad Gupta. The money was in-turn routed from UBI a/c (a/c no.-586802030000043) to SBI a/c (a/c no.-0170618358) and then to ICICI a/c (a/c no.-076201000189) of the assessee, Smt. Neelam Gupta.

9. On the other hand, Id. Senior DR supported the order of the authorities below.

10. Heard the arguments of both the parties and perused the material available on record.

11. The submissions of the assessee relating to credit entries (transfers) is considered and examined.

12. The details of the cash deposit entries and other credit entries in the bank a/c of the assessee with ICICI bank are tabulated as under:-

S.No	Nature of Deposit/Credit	Name of the person who had transferred the money		Amount (in Rs.)
1	Transfer	J.P Gupta	24.03.2015	20,000
2	Transfer	J.P Gupta	24.03.2015	15,000
3	Cash	--	02.02.2015	20,000
4	Cash	--	14.01.2015	40,000
5	Cash	--	05.01.2015	12,000
6	Cash	--	20.12.2014	50,000
7	Cash	--	14.01.2015	40,000
8	Cash	--	05.01.2015	12,000
9	Cash	--	20.12.2014	50,000
10	Transfer	J.P Gupta	13.11.2014	90,000
11	Transfer	J.P Gupta	16.09.2014	70,000
12	Transfer	G.L Gupta	22.08.2014	40,000
13	Transfer	G.L Gupta	19.08.2014	1,00,000
14	Cash	--	08.07.2014	50,000
15	Transfer	J.P Gupta	09.07.2014	45,000
16	Transfer	J.P Gupta	18.06.2014	90,000
17	Transfer	J.P Gupta	17.05.2014	50,000
	Total			7,94,000

13. A total of Rs. 2,74,000/- and Rs. 5,20,000/- were deposited in the form of cash and transfer (through cheque/NEFT/RTGS) respectively. Thus, the amounts transferred from Shri J.P Gupta/ G.L Gupta are treated as explained after examination of the bank statement of Shri J.P

Gupta and pension account. Out of the remaining cash deposits items no. 5,6 & 7 are repeated. Hence, keeping in view natural societal norms, the remaining amount of Rs. 1,62,000/- can be considered as cash in hand available with the assessee.

14. In the peculiar facts and circumstances of the instant case, we hold that no addition is called for on account cash deposits.

15. In the result, the appeal of the assessee is hereby allowed.

Order Pronounced in the Open Court on 28/11/2023.

Sd/-
(Yogesh Kumar U.S)
Judicial Member

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

Jabalpur Dated:28/11/2023

NV, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT JABALPUR