

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES "B" : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
DR. DIPAK P. RIPOTE, ACCOUNTANT MEMBER

ITA No.1188/PUN/2023
Assessment Year 2012-2013

Pimpri Chinchwad Education Society, Judson High School, Mukta Niwas, Pimpri Station Road, Pune. PIN – 411 018 State of Maharashtra. PAN AABTP1498G	vs	The Income Tax Officer, Exemption Ward-2, 404, 4 th Floor, Income Tax Office, PMT Bldg., Shankar Seth Road, Pune – 411 037. Maharashtra.
Appellant		Respondent

For Assessee :	Shri Mahavir Jain
For Revenue :	Shri Umesh Phade

Date of Hearing :	11.12.2023
Date of Pronouncement :	13.12.2023

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2012-2013, arises against the National Faceless Appeal Centre [in short [the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1056082629(1), dated 14.09.2023, involving proceedings u/s.147 r.w.s. 144 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. It emerges during the course of hearing that both the learned lower authorities i.e., Assessing Officer and the

CIT(A), in the assessment herein dated 16.11.2019 as well as in the lower appellate discussion, respectively, have held the assessee's alleged cash deposits of Rs.57,69,500/- as unexplained u/sec.69A of the Act. It is in this factual backdrop that the assessee's case before us is that not only the foregoing impugned assessment had been wrongly framed ex-parte but also the lower appellate discussion has failed to take note of its various adjournment petitions before confirming the impugned addition.

3. Learned counsel first of all sought to invite our attention to the fact that the assessee had duly submitted its adjournment letters before the CIT(A)'s which have nowhere been considered whilst confirming the impugned addition ex-parte. This is stated to be coupled with the fact that the lower appellate discussion has neither framed any point(s) of determination nor is there any detailed adjudication as per sec.250(6) as it is evident from a perusal of the corresponding findings from para-4 onwards. Our attention is further invited to the assessee's paper book running into 70 pages explaining of the impugned cash deposits as well as the adjournment letters filed before the CIT(A).

4. The Revenue's stand on the other hand draws strong support from both the learned lower authorities action making the impugned addition.

5. We have given our thoughtful consideration to the foregoing sole substantive issue involved in the instant appeal regarding unexplained cash deposits made in the assessee's account. We make it clear that this assessee is a trust running educational institution(s) imparting education to pupils in various classes. And that its stand before us attributes source of its cash deposits representing tuition fee collected from the said students only. We keep in mind all these facts and deem it appropriate in larger interest of justice that the CIT(A) needs to re-examine the entire issue afresh within three effective opportunities of hearing so as to enable the assessee to file all the relevant details explaining source of its cash deposits at its own risk and responsibility. This entire exercise may be completed within three effective opportunities in consequential proceedings. We order accordingly.

6. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open Court on 13.12.2023.

Sd/-
(DR. DIPAK P. RIPOTE)
ACCOUNTANT MEMBER

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Pune, Dated 13th December, 2023

VBP/-

Copy of the Order forwarded to :

1. The Appellant.
2. The Respondent.
3. The NFAC, Delhi.
4. The Pr. CIT (Exemptions), Pune.
5. DR, ITAT, "B" Bench, Pune.
6. Guard File.

BY ORDER,

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Senior Private Secretary
ITAT, Pune.