

आयकर अपीलीय अधिकरण, 'बी, न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL, 'B (SMC)' BENCH CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री मंजुनाथ. जी, लेखा सदस्य के समक्ष
**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT AND
SHRI MANJUNATHA.G, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. 950/CHNY/2023
निर्धारण वर्ष /Assessment year : 2017-2018

Shri. Basheerahamed Yasmin,
89, Prop: Roshan Enterprises,
Kennady Nagar, 2nd Street,
Suramangalam,
Salem 636 005.

Vs. The Income Tax Officer,
Ward 1(3)
Salem

[PAN AFQPY 5426F]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by : None
प्रत्यर्थी की ओर से /Respondent by : Shri. D. Hema Bhupal, IRS, JCIT.

सुनवाई की तारीख/Date of Hearing : 19.12.2023
घोषणा की तारीख /Date of Pronouncement : 19.12.2023

आदेश / ORDER

PER MAHAVIR SINGH, VICE PRESIDENT:

This appeal by assessee is arising out of the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi in Order No.ITBA/NFAC/S/250/2023-24/1055037398 (1) dated 10.08.2023. The assessment was framed by the Income Tax Officer, Ward 1(3), Salem for the assessment year 2017-18 u/s.144 of

the Income Tax Act, 1961 (hereinafter 'the Act'), vide order dated 30.12.2019.

2. At the outset, it is noticed that this appeal was fixed for hearing on earlier occasion on 28th November, 2023 and notice for fixation was sent through RPAD and the same was returned unserved with the comments that "No such person at this address". Subsequently again notice was sent, which also returned with the same remark. Hence, it seems that there was no alternative except to hear and decide on merits.

3. The only issue in this appeal of assessee is with regard to order of the Id. CIT(A) in confirming the action of the Id. Assessing Officer in making assessment for cash deposits made in two banks amounting to ₹25,69,500/- and assessed u/s.69A of the Act and charged to tax u/s.115BBE of the Act.

4. We have heard Id. Departmental Representative and gone through the facts and circumstances of the case. We note that assessee before the CIT(A) did not produce bank account details, books of accounts nor any evidence in support of the claim that cash deposits is out of explained source or business income. Even now before us, assessee did

not attend hearing. We note that the CIT (A) in para 5 observed as under:-

5. Decision: In this case, the addition has been made worth Rs.25,69,500/- u/s,69A of the Income Tax Act. The Appellant has deposited an amount of Rs. 25,69,500/- in two banks during demonetization period. No reply was filed before the Assessing Officer. Hence, the Assessing Officer made the addition.

Now before me in the appellate proceedings, written s submission has been filed. It has been stated that cash has been received from credit sale and some cash belongs to cash sales prior to 09.11.2016 and some cash is out of earlier income. No books of accounts and evidence have been filed before me in support of the contention of the appellant. It has been stated that since books of accounts are corrupted and hence no details can be filed. Hence, it is clear that all the submissions are just afterthought by the appellant. Since no evidence has been filed before me and hence the cash deposited during demonetization period Rs.25,69,500/- remains unexplained. Hence, the addition of the Assessing Officer is confirmed and appeal of the appellant is dismissed".

As assessee could not substantiate his claim of cash deposits made in two bank accounts during demonetization period of SBN amounting to ₹25,69,500/- out of explained source or out of business receipts and could not produce any evidence like bank accounts details, book of accounts or any other documentary evidence in the business of the assessee, we uphold the order of the Id. CIT(A) and dismiss the appeal of the assessee.

5. In the result, the appeal of the assessee in ITA No.950/CHNY/2023 for assessment year 2017-2018 stands dismissed.

Order pronounced in the open court at the time of hearing on 19th December, 2023, at Chennai.

Sd/-
(मंजुनाथ. जी)
(MANJUNATHA.G)
लेखा सदस्य /ACCOUNTANT MEMBER

Sd/-
(महावीर सिंह)
(MAHAVIR SINGH)
उपाध्यक्ष /VICE PRESIDENT

चेन्नई/Chennai

दिनांक/Dated: 19.12.2023.

KV

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT
4. विभागीय प्रतिनिधि/ DR
5. गार्ड फाईल/GF