

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
MS ASTHA CHANDRA, JUDICIAL MEMBER**

ITA No.7277/Del/2019
Assessment Year: 2017-18

Natasha Jain H.No.-2, Tribune Colony, Ambala Cantt. Haryana - 133001 PAN No.AJDPJ7046D	Vs.	ACIT Central Circle – 17 New Delhi
(APPELLANT)		(RESPONDENT)

ITA No.71/Del/2023
Assessment Year: 2017-18

Natasha Jain H.No.-2, Tribune Colony, Ambala Cantt. Haryana - 133001 PAN No.AJDPJ7046D	Vs.	DCIT Central Circle – 30 New Delhi
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Lalit Mohan, CA Sh. Parth Singhal, Advocate
Respondent by	Sh. Muneesh Rajani, Sr. DR

Date of hearing:	24/01/2024
Date of Pronouncement:	24/01/2024

ORDER**PER N. K. BILLAIYA, AM:**

ITA No.7277/Del/2019 is the appeal by the assessee preferred against the order of the CIT(A)-27, New Delhi dated 25.06.2019 pertaining to A.Y.2017-18.

2. This appeal is in respect of the addition of Rs.490600/- made on substantive basis whereas protective addition made in the hands of Priyank Sukhija.

3. ITA No.71/Del/2023 is the appeal against the order of the CIT(A) – 30 New Delhi dated 17.11.2022 pertaining to A.Y.2017-18 which is against the levy of penalty u/s. 271AAB of the Act.

4. Both these appeals are disposed of by this common order for the sake of convenience and brevity.

5. Facts on record show that search and survey operations u/s. 132 of the Act were conducted on 22.10.2016 in the Sukhija Group of cases at various residential and business premises which included the residence of the assessee Natasha Jain. During the search cash of Rs.490600/- was found out of which Rs.4.80 lacs was seized. The assessee was asked to explain the source of the cash. The assessee stated that the cash belongs to Priyank Sukhija who happens to be her friend. In support affidavit from Priyank

Sukhija was submitted in which he stated that cash of Rs. 4.80 lacs found and seized from the premises of Natasha Jain did not belong to her but belonged to him.

6. The explanation of the assessee did not find any favour with the AO who made the addition of Rs.490600/-.

7. Before us the Counsel for the assessee vehemently stated that Priyank Sukhija has admitted the ownership of the said cash and has offered for taxation before the settlement commission. The Counsel furnished necessary orders.

8. We have carefully considered the impugned issue. We find that not only the assessee explained at the time of search and post search proceedings that the cash belongs to Priyank Sukhija but Priyank Sukhija also accepted by way of a sworn affidavit and has offered the same as his income before the income tax settlement commission. Since the order of the settlement commission was not available before the lower authorities we deem it fit to restore the issue for verification by the AO. The AO is directed to verify the claim of the assessee that the impugned amount have been settled before the settlement commission by Priyank Sukhija and if found correct no addition should be made in the hands of the assessee. The appeal is allowed for statistical purpose.

9. The appeal relating to the levy of penalty may be decided accordingly by the AO.

10. In the result, both the appeals filed by the assessee are allowed for statistical purpose.

11. Decision announced in the open court on 24.01.2024.

Sd/-
(ASTHA CHANDRA)
JUDICIAL MEMBER

Sd/-
(N.K. BILLAIYA)
ACCOUNTANT MEMBER

NEHA

Date:- .01.2024

Copy forwarded to:

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

ASSISTANT REGISTRAR
NEW DELHI