

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI G.D. PADMAHSHALI, ACCOUNTANT MEMBER

I.T.A.No.1376/PUN./2023
Assessment Year 2017-2018

Shri Sant Sadguru Narayangiri Maharaj Nagari Sahakari Patsanstha Ltd., Shop 1 & 2, Pritesh Park, Jadhav Sankul, Pritesh Park Trimbak Road, Ashoknagar, Satpur, Nashik-422 012. Maharashtra. PAN AABAS8822N	vs.	The Income Tax Officer, Ward – 1 (1), Income Tax Office, Kendriya Rajaswa Bhavan, Gadhari Chowk, Old Agra Road, Nashik. PIN – 422 002 Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Abhay Avachat
For Revenue :	Shri M.G. Jasnani

Date of Hearing :	29.01.2024
Date of Pronouncement :	01.02.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2017-2018, arises against the National Faceless Appeal Centre [in short "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1057105262(1), dated 16.10.2023, involving proceedings u/s. 143(3) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. The assessee pleads the following substantive grounds in the instant appeal :

“Following grounds are taken without prejudice to each other. On facts and circumstances of the case and in law.

1. *The Ld. Assessing Officer has erred in making addition of Rs.35,16,500/- under section 68 of the Act, as unexplained cash credit of assessee in respect of cash deposits in bank during demonetization period and the Ld. CIT Appeals erred in confirming and sustaining the same.*
2. *The learned Assessing Officer has erred in treating cash deposited by assessee during de-monetisation period of Rs.35,16,500/- as its unexplained income under provisions of section 68 of the Act and the Ld. CIT Appeals erred in confirming the same.*
3. *The AO has erred in making addition and treating cash deposits as unexplained cash credit despite there is compliance with provisions of section 68 by assessee and the Id. CIT Appeals erred in confirming the same.*
4. *The Assessment Order passed under section 143(3) by the learned AO and the appellate order passed u/s 250 by the Hon. Commissioner of Income Tax (Appeals), NFAC is bad in law since provisions of*

section 68 are not attracted and the money deposited belonged to members of assessee society.

5. *The assessee prays for allowing any other relief in the matter by deleting the addition.*
6. *The assessee craves leave to add, alter, amend, modify, delete all or any of the grounds of appeal.”*

3. It emerges during the course of hearing that the sole substantive issue which arises for our apt adjudication in the assessee's instant appeal is that of correctness of both the learned lower authorities' action making sec.68 unexplained cash credits addition of Rs.35,16,500/- during the course of assessment hearing dated 18.12.2019 as affirmed in the NFAC's lower appellate order under challenge. The assessee's case in nut-shell before us is that the impugned cash deposits made during the demonetization; in fact, came from its Members only whereas the department has disputed the same in the assessment as well as the NFAC's detailed discussion.

4. Faced with the situation, learned counsel sought to invited our attention to the assessee's paper book running into 186 pages containing the alleged details of statement of cash deposits of members for the entire relevant previous year 2016-2017 followed by copy of amalgamation/MOU of small saving collection agents with the society; as the case may be. The Revenue has vehemently objected against the admission of

all these details that they form additional evidence since not submitted before the learned lower authorities. It is in this factual backdrop that we note that there would be hardly any dispute at this stage regarding the fact that the assessee's details filed in its paper books *prima facie* constitute additional evidence relevant to the issue before us which require afresh factual verification at the learned Assessing Officer's end. We thus deem it appropriate in larger interest of justice to restore the instant issue back to him for his appropriate adjudication in accordance with law preferably within three effective opportunities of hearing with a rider that it shall be assessee's bounden duty only to submit and prove all the relevant details in consequential proceedings. Ordered accordingly.

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

Order pronounced in the open Court on 01.02.2024.

Sd/-
[GD PADMAHSHALI]
ACCOUNTANT MEMBER

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 01st February, 2024

VBP/-

Copy to

1.	The applicant
2.	The respondent
3.	The NFAC, Delhi
4.	The CIT, concerned
5.	D.R. ITAT, Pune "SMC" Bench, Pune.
6.	Guard File.

//By Order//

//True Copy //

Assistant Registrar, ITAT, Pune Benches,
Pune.