

**IN THE INCOME TAX APPELLATE TRIBUNAL**

**"D" BENCH, MUMBAI**

**BEFORE SHRI PRASHANT MAHARISHI, , ACCOUNTANT MEMBER AND**

**SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER**

**ITA no.3481/Mum./2023**

**(Assessment Year : 2012-13)**

Ritu Sikandar Khanna  
501/A, Gasurina Building  
Evershine Green CHS, New Link Road ..... Appellant  
Andheri (West), Mumbai 400 053  
PAN – BAVPK7874C

v/s

Income Tax Officer ..... Respondent  
Ward-3(1)(1), Mumbai

Assessee by : Shri Subhash Chhajed a/w  
Shri Rajesh Saluja  
Revenue by : Smt. Mahita Nair

Date of Hearing – 06/02/2023

Date of Order – 08/02/2024

**ORDER**

**PER SANDEEP SINGH KARHAIL, J.M.**

The present appeal has been filed by the assessee challenging the impugned order dated 08/08/2023, passed under section 250 of the Income Tax Act, 1961 (*"the Act"*) by the learned Commissioner of Income Tax (Appeals)-57, Mumbai, [*"learned CIT(A)"*], for the assessment year 2012-13.

2. In this appeal, the assessee has raised the following grounds:-

*"1. On the facts and circumstances of the case and in law, Hon'ble CIT(A) has erred in confirming the action of Ld. Assessing Officer in framing the impugned assessment order u/s 143(3) r.w.s 147 of the Act without complying with the jurisdictional and mandatory requirements and conditions envisaged in section 147/148/151 of the IT Act, 1961 and therefore the entire Reassessment proceedings u/s 147 are liable to be quashed.*

2. *On the facts and circumstances of the case and in law, Hon'ble CIT(A) has erred in upholding the Assessment completed by the Ld. AO u/s 143(3) r.w. section 147 of the Act., without issuing the statutory notice u/s 143(2) of the Act completely disregarding the fact that the Assessee had filed Return of Income on 25/04/2019 in response to Notice u/s 148 of the Act issued on 31/03/2019. The Appellant therefore prays that the impugned Reassessment order be held as void ab-initio and bad in law.*

3. *On the facts and circumstances of the case and in law, Hon'ble CIT(A) has erred in law in confirming the action of Ld. A.O. in making an addition to the extent of Rs. 7,65,000/- u/s 69A of the Act on account of cash deposits in bank account, without considering the submissions of the assessee and facts of the case and without observing the principles of natural justice. It is therefore prayed that above addition made by Assessing Officer and confirmed by CIT(A) may please be deleted.*

4. *The impugned Assessment order dated 15/12/2019 passed u/s 143(3) r.w. Sec. 147 of the IT Act is invalid and void ab initio as the same does not bear document identification number (DIN) in accordance with the CBDT circular No. 19/2019 dated 14/08/2019.*

5. *That the appellant craves the leave to add, modify, amend or delete any of the grounds of appeal at the time of hearing and all the above grounds are without prejudice to each other."*

3. The brief facts of the case, as emanating from the records available before us, are: On the basis of information available on the NMS module of i-taxnet, ITD System of the Department, it was revealed that the assessee has deposited cash aggregating to Rs.12,65,000, in her Bank account during the year under consideration. In the present case, the assessee has not filed her return of income for the year under consideration. Accordingly, on the basis of the aforesaid information, proceedings under section 147 of the Act were initiated and notice under section 148 of the Act was issued on 31/03/2019. In response thereto, the assessee filed her return of income on 25/04/2019, declaring a total income of Rs.1,79,408. As per the aforesaid information received through CIB data, the assessee has deposited cash aggregating to Rs.2 lakh or more in her Bank account. Accordingly, the assessee was asked to furnish the details regarding the nature and source of the aforesaid cash deposits. In response thereto, the assessee submitted that the said cash deposits were out of the cash withdrawals of her Mother from her Bank account. Since the assessee did not furnish any corroborative evidence/details in support of her claim that the cash deposits are sourced through a cash

withdrawal made by her Mother, the assessee was specifically asked to furnish such details. In response thereto, the assessee filed copies of Bank statements, the Death Certificate of her Mother which was issued by MCGM Authorities, and the medical discharge card of her Mother. Along with these documents, the assessee furnished copies of her Passport. The A.O., vide order dated 15/12/2019, passed under section 143(3) r/w section 147 of the Act, noted that the assessee did not furnish the copy of her passport for the period from 2009-10 to 2011-12 to substantiate her stay in India. Accordingly, the A.O. came to the conclusion that there is no plausible explanation with regard to the cash deposit in the assessee's Bank account and made the addition of Rs.7,65,000, being the cash deposit of Rs.2,65,000, on 12/09/2011 and Rs.5 lakh on 03/02/2012 under section 69A of the Act.

4. The learned CIT(A), vide impugned order, dismissed the appeal filed by the assessee and held that the assessee has not explained the source of the cash deposits of Rs.2,65,000 and Rs.5 lakh in her Bank account. Being aggrieved, the assessee is in appeal before us.

5. We have considered the submissions of both sides and perused the material available on record. The assessee is a non-resident Indian and cabin crew member with Air Atlanta based in Jeddah. In the present case, it is undisputed that for the year under consideration, the assessee did not file her return of income under section 139 of the Act. The AO, based on the information available on the ITD system of the Department that the assessee has deposited cash aggregating to Rs. 7,65,000 in her Bank account during the year under consideration, initiated the reassessment proceedings. We are of the considered view that the said information constitutes new and tangible material for initiating the reassessment proceedings in the case of the assessee. In *ACIT v. Rajesh Jhaveri Stock Brokers (P.) Ltd*, [2007] 291 ITR 500 (SC), the Hon'ble Supreme Court held that if there is relevant material on the basis of which a reasonable person can form a requisite belief that income chargeable to tax has escaped assessment, then proceedings under section 147 of the Act can be validly initiated. In the present case, as noted above, on the basis of information available on the ITD system of the Department,

reassessment proceedings in the case of the assessee were initiated. Further, it is also well settled that the sufficiency or correctness of the material is not a thing to be considered at the stage of recording the reasons. As a result, we find no infirmity in the reassessment proceedings initiated by the AO under section 147 of the Act. As a result, ground no.1 raised in assessee's appeal is dismissed.

6. It is the plea of the assessee that her Mother was staying alone in Mumbai and cash withdrawal was made from the assessee's savings account, which was subsequently deposited in the same account. It was further submitted that the cash withdrawal was made to meet the medical emergencies of her Mother, who subsequently expired on 30/09/2015. In this regard, the assessee has placed on record a copy of the statement of her NRO Bank account maintained with HDFC Bank, Andheri West-Inderlok Branch, Mumbai. From the perusal of the said statement, we find that the cash of Rs. 5 lakh was withdrawn on 15/01/2011 and cash of Rs. 4,20,000 was withdrawn on 17/01/2011. The assessee has also placed on record a copy of the Bank statement of her Mother. Further, in order to substantiate that she was in India at the time of deposit of impugned cash on 12/09/2011 and 03/02/2012, the assessee has placed on record a copy of the relevant pages of her passport. From the details of stay in India, which are summarised on page 52 of the paper book, we also find that even during the cash withdrawal on 15/01/2011 and 17/01/2011, the assessee was in India. Further, no material has been brought on record by the Revenue to show that the cash withdrawn was used for some other purpose by the assessee. In the present case, in order to substantiate that the Mother of the assessee was not keeping unwell, the assessee has placed on record the consent form dated 09/02/2010 in respect of performing angioplasty by a hospital in Mumbai. Therefore, on the perusal of the material available on record, we are of the considered opinion that the assessee has satisfactorily proved the source of the impugned cash deposits in her Bank account. Accordingly, we find no merits in the impugned addition made under section 69A of the Act, and hence the same is directed to be deleted. As a result, ground no.3 raised in assessee's appeal is allowed.

7. During the hearing, the learned AR wishes not to press grounds no.2 and 4 raised in assessee's appeal. Accordingly, the said grounds are dismissed as not pressed.

8. In the result, the appeal by the assessee is partly allowed.

Order pronounced in the open Court on 08/02/2024

**Sd/-**  
**PRASHANT MAHARISHI**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**SANDEEP SINGH KARHAIL**  
**JUDICIAL MEMBER**

**MUMBAI, DATED:**

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The PCIT / CIT (Judicial);*
- (4) *The DR, ITAT, Mumbai; and*
- (5) *Guard file.*

*Pradeep J. Chowdhury*  
*Sr. Private Secretary*

True Copy  
By Order

Assistant Registrar  
ITAT, Mumbai