

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE "SMC" BENCH : PUNE [VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.53/PUN./2024
Assessment Year 2017-2018

Shri Tushar Satish Agarwal, 461, Elphinstone Road, Near Gurudwar Khadki, Pune – 411 003 Maharashtra. PAN ASKPA6089M	vs.	The Income Tax Officer, Ward – 13(1), Aaykar Sadan, Bodhi Towers, Salisbury Park, Gultekdi, Pune – 411 037. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	-None-
For Revenue :	Shri Basavaraj Hiremath

Date of Hearing :	06.03.2024
Date of Pronouncement :	06.03.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This assessee's appeal for assessment year 2017-18, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1059178282 (1), dated 29.12.2023, involving proceedings u/s. 143(3) of the Income Tax Act, 1961 (in short "the Act").

Case called twice. None appears at assessee's behest. The very factual position existed on the earlier hearing(s) as well. He is accordingly proceeded ex-parte.

2. Learned DR invited this tribunal's attention to the Assessing Officer's detailed discussion in his assessment order dated 27.12.2019 indicating the assessee to have made cash deposits of Rs.8,96,000/- and Rs.1,32,500/-, in his ICICI bank

account. The assessee tried to explain the source thereof to opening balance as on 01.04.2016 and past savings. It is noticed that neither the Assessing Officer nor the CIT(A) agreed to the assessee's foregoing pleadings. They accordingly proceeded to make the impugned addition of Rs.14,18,817/-.

This leaves the assessee aggrieved.

3. I have given my thoughtful consideration to the assessee's pleadings and Revenue's vehement submissions. Suffice to say, the fact remains that the assessee on the one hand could prove meager salary income of Rs.2,80,000/- in preceding assessment year 2016-17 along with consultancy services amounting to Rs.2,59,500/-; respectively. There is no other source of income or receipt forthcoming as per facts emanating from the case file. Mr. Basavaraj at this stage could not dispute that accumulation of some past savings and house hold withdrawals etc., could not be *per se* ruled out as well. I therefore deem in these peculiar facts and circumstances a lumpsum addition of Rs.11 lakhs out of Rs.14,80,870/- only deserves to be upheld and the assessee is entitled to get relief of Rs.3,80,870/-. Necessary computation shall follow as per law. Ordered accordingly.

4. This assessee's appeal is partly allowed in above terms.

Order pronounced in the open Court on 06.03.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 06th March, 2024

VBP/-

Copy to

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

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches,
Pune.