

**IN THE INCOME TAX APPELLATE TRIBUNAL  
"B" BENCH, BENGALURU BENCH  
BENGALURU**

**BEFORE SHRI N. K. CHOUDHRY, JM &  
SHRI LAXMI PRASAD SAHU, AM**

I.T.A. No.135/BANG/2024  
(Assessment Year: 2017-18)

**M/s. Unified Souharda Credit  
Cooperative Ltd.**

No.1580/9,22<sup>nd</sup> Main Road,  
5<sup>th</sup> 'A' Cross Bsk, Ist Stage,  
2<sup>nd</sup> Block, SBM Colony,  
Bengaluru 560 050

Vs.

**Income Tax Officer,  
Ward -5(2)(5)  
Bengaluru**

PAN No. **AAAAU4292K**

**(Appellant)**

:

**(Respondent)**

**Appellant/Assessee by  
Respondent/Department by**

:  
:

Shri Siddesh N. Gaddi, Ld. CA  
Shri Subramanian. S, Ld. JCIT

**Date of Hearing  
Date of Pronouncement**

:  
:

18.03.2024  
18.03.2024

**ORDER**

**Per N. K. Choudhry, JM:**

This appeal has been preferred by the Assessee against the order dated 22.12.2023, impugned herein, passed by National Faceless Appeal Centre (NFAC), Delhi/Ld. Commissioner of Income Tax (Appeals) [in short 'Ld. Commissioner'] under section 250 of the Income Tax Act 1961 (in short 'the Act') for the Assessment Year (in short 'AY') 2017-18.

**2.** In the instant case, the Assessee being a Co-operative society had shown its income as Rs.'Nil' by filing its return of income on dated 23.10.2017, which was subsequently selected for scrutiny and ultimately resulted into passing of Assessment order dated 10.12.2019 u/s. 143(3) of the Act, whereby the additions of Rs.19,35,798/- and Rs.4,10,03,700/- respectively on account of dis-allowance of deduction claimed u/s 80P(2)(a)(i) of the Act and un-explained cash credits u/s 68 of the Act, have been made.

**3.** The Assessee being aggrieved, by filing first appeal challenged the said additions/disallowance before the Id. Commissioner, who though by partly allowing the appeal of the Assessee, allowed the claim on deduction u/s 80P of the Act to the Assessee, however, sustained the addition to the tune of Rs.4,10,03,700/- as un-explained cash credits u/s 68 of the Act. The Assessee therefore, being aggrieved against the affirmation of the addition made u/s 68 of the Act by the Id. Commissioner, is in appeal before us. The Assessee before us claimed that by filling Annexure-2 it had explained the source of cash deposits viz-a-viz details all the persons from whom the amounts were received. The said documents/details same were also filed online before the AO, therefore there was no need to file any application for admission of additional evidence before the Id. Commissioner. However, the Id. Commissioner without paying any heed to the request and the details filed by the Assessee, decided the issue qua addition u/s 68 of the Act against the Assessee.

**4.** On the contrary, the Ld. Departmental Representative refuted the claim of the Assessee.

**5.** Having heard the parties and given thoughtful consideration to the peculiar facts and circumstances of the case, we observe that the Id. Commissioner though passed the impugned order on merits and made the addition u/s 68 of the Act and also taken into consideration the rectification order dated 15.6.2020 passed by the AO, whereby the amount of Rs.1,61,70,000/- was reduced from the amount of total addition of Rs.4,10,03,700/- after considering the rectification application filed by the Assessee and in effect affirmed the addition to the tune of Rs.2,48,33,700/- only, but the Ld. Commissioner did not consider the details furnished by the Assessee, in its true spirit and right perspective, hence considering the peculiar facts and circumstances, we are inclined to remand the instant case to the file of the Id. Commissioner for decision afresh, on the addition made by AO u/s. 68 of the Act, as affirmed by the Id. Commissioner to the tune of Rs.2,48,33,700/- only.

We are also inclined to direct the Assessee to file the appropriate application/documents/submission on record, in order to substantiate its claim qua deposits made by the Assessee during the demonetization period, which resulted into making the addition u/s 68 of the Act by the AO.

**Thus, the case is accordingly remanded to the file of Id. Commissioner, in the aforesaid terms.**

**6.** In the result, the appeal filed by the Assessee stands allowed for statistical purposes.

Order pronounced in the open court on 18.03.2024 during virtual hearing.

*Sd/-*  
**(Laxmi Prasad Sahu)**  
**Accountant Member**

*Sd/-*  
**(N. K. Choudhry)**  
**Judicial Member**

*Mini, Sr.PS.*

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,  
  
(Dy./Asstt.Registrar)  
**ITAT, Mumbai**