

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

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.115/PUN/2024

निर्धारण वर्ष / Assessment Year : 2017-18

Shri Santaji Maharaj Nagari Sahkari Pat Sanstha Maryadit Yeola, Ganga Darwaja Road, Santaji Yeola Nashik Maharashtra – 423 401 PAN : AAGTS3722H	Vs.	CIT(A), Nashik
Appellant		Respondent

Assessee by : Shri Sanket Joshi
Revenue by : Shri Arvind Desai

Date of hearing : 17.04.2024
Date of pronouncement : 18.04.2024

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of the National Faceless Appeal Centre, Delhi ['NFAC'] dated 01.11.2023 for the assessment year 2017-18.

2. Brief facts of the case are that the appellant is a Cooperative Society engaged in the business of providing credit facilities to its members. No regular return of income was filed for the A.Y.2017-18. The AO had come to know that the appellant society made cash deposit of Rs.16,55,500/- in the current account maintained

with Axis bank, Yeola branch. It was also noticed that the appellant had deposited cash in high denomination banned notes to the tune of Rs.1,42,000/-. He issued notice u/s.142(1) of the Act on 25.01.2018 which remained uncomplied with, in the circumstances, the AO had proceeded to complete the assessment u/s.144 of the Act by bringing to tax the cash deposit totaling Rs.17,97,000/-.

3. Being aggrieved, an appeal was filed before the CIT(A) who vide impugned order confirmed the AO's action by holding that the appellant had failed to discharge the onus lying upon him by filing the explanation in support of the source of the cash deposit. Being aggrieved, the appellant is in appeal before the Tribunal in the present appeal.

4. The Id. Authorised Representative submits before me that the appellant has filed a detailed explanation in support of the source of cash deposit made during the demonetization period vide Acknowledgement No.393408931080723 on 18.07.2023. The CIT(A) without taking into consideration the submissions made the addition and proceeded to dispose of the appeal.

5. I heard the rival submissions and carefully perused the relevant material on record. Undisputedly, the assessment in this case was completed u/s.144 of the Act. On going through the submissions and the facts of the case, it would clearly show that the CIT(A) ignoring the evidence/explanation submitted in support of the cash deposit made during the demonetization period had passed the impugned order. The appellant also filed an explanation for not causing any appearance before the AO. In the said circumstances, I am of the considered opinion that, in the interest of justice, the matter be remanded to the file of AO for *de novo* assessment in accordance with law after affording reasonable opportunity of hearing to the appellant. The appellant is at liberty to lead any fresh evidence as deemed expedient.

6. In the result, the appeal of the assessee is partly allowed.

Order pronounced on this 18th day of April, 2024.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 18th April, 2024.

Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच,
पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.