

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE "SMC" BENCH : PUNE

[THROUGH VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.321/PUN./2024  
Assessment Year 2011-2012

Mr. Dinesh Shantaram Bankhele, A/P Manchar, Tal-Ambergaon, PUNE. PIN – 410 503. Maharashtra. PAN AQGPB6082M	vs.	The Income Tax Officer, Ward – 10(1), Pratyashkar Bhavan, Dr. Ambedkar Marg, Nr. Akurdi Rly. Station, Pradhikaran, Nigdi, Pune. PIN – 411 044. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Abhay A. Avchat
For Revenue :	Shri Manish Mehta

Date of Hearing :	20.03.2024
Date of Pronouncement :	02.05.2024

**ORDER**

This assessee's appeal for assessment year 2011-12, arises against the Addl./JCIT(A), Mysore, Mysore's Din and Order No.ITBA/APL/S/250/2023-24/1059427959(1), dated 05.01.2024, involving proceedings u/s.143(1) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

Case called twice. None appears at assessee's behest. He is accordingly proceeded ex-parte.

2. It emerges during the course of hearing that the learned CIT(A)'s impugned lower appellate order, affirming

Assessing Officer's initiation sec.148/147 proceedings thereby adding cash/time deposits of Rs.23.50 lakhs; has been passed ex-parte.

3. Learned DR vehemently argued that the assessee has been non-cooperative all along wherein he had not even filed his return in response to sec.148 notice issued by the assessing authority.

4. Faced with this situation, I note that the assessee had made a categorical submission in his ground(s) before the Ld. CIT(A) that his return had been duly filed on 17.12.2018. The CIT(A)'s detailed discussion in para 6.1 pages 5 to 6 has duly taken note of the corresponding e-verification on 28.12.2018. It has been further observed that the assessee had contractual receipts of Rs.23,65,140/- followed by net profit declaration of Rs.2,13,075/-. All these facts forms sufficient material to indicate that the assessee has been carrying-out contractor business and therefore, the impugned cash deposits; although not sufficiently explained; deserve assessment as his business receipts only. Faced with this situation, I deem it appropriate in these peculiar facts and circumstances that larger interest of justice would be met in case the foregoing cash deposits @ 10% net profit coming to Rs.2,35,000/- are assessed with a rider that the same shall not be treated as a precedent in any other case. Necessary

computation shall follow as per law. The impugned addition of Rs.23.50 lakhs is upheld to the extent of Rs.2,35,000/- only in otherwords. Ordered accordingly.

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

Order pronounced in the open Court on 02.05.2024.

Sd/-  
[SATBEER SINGH GODARA]  
JUDICIAL MEMBER

Pune, Dated 02<sup>nd</sup> May, 2024

VBP/-

Copy to

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

//By Order//

//True Copy //

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