

आयकर अपीलीय अधिकरण “सी” न्यायपीठ चेन्नई में।  
IN THE INCOME TAX APPELLATE TRIBUNAL  
“C” BENCH, CHENNAI

माननीय श्री एस. एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं  
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।  
BEFORE HON’BLE SHRI S.S. VISWANETHRA RAVI, JM AND  
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

1. आयकर अपील सं/ ITA No.1125/Chny/2023  
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Annamalai Senthilkumar 16A, Colony Main Road, Thillai Nagar, Trichy-620 018.	बनाम / Vs.	DCIT Circle-1(1) Trichy.
स्थायी लेखासं./जी आइ आर सं./PAN/GIR No. <b>AEUPA-7210-G</b>		
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी / Respondent)

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2. आयकर अपील सं. / ITA No.1402/Chny/2023  
(निर्धारण वर्ष / Assessment Year: 2017-18)

DCIT Circle-1(1) Trichy.	बनाम / Vs.	Shri Annamalai Senthilkumar 16A, Colony Main Road, Thillai Nagar, Trichy-620 018.
स्थायी लेखासं./जी आइ आर सं./PAN/GIR No. <b>AEUPA-7210-G</b>		
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओर से/ Assessee by	:	Shri Y. Sridhar (CA) -Ld. AR
प्रत्यर्थी की ओर से/Revenue by	:	Shri P. Sajit Kumar (JCIT)-Ld.DR

सुनवाई की तारीख/Date of Hearing	:	01-05-2024
घोषणा की तारीख /Date of Pronouncement	:	06-05-2024

**आदेश / ORDER**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid cross-appeals for Assessment Year (AY) 2017-18 arises out of an order passed by learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] on

08-08-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 144 of the Act on 31-12-2019. The sole grievance of the assessee is confirmation of addition of Rs.10.69 Lacs u/s. 69A whereas the grievance of the revenue is deletion of addition of Rs.150 Lacs as made by Ld. AO on alleged unexplained sale consideration.

2. The Registry has noted delay of 53 days in revenue's appeal, the condonation of which has been sought by Ld. Sr. DR. The Ld. AR has not objected to condonation of delay. Considering the same, the delay is condoned and we admit the appeal for adjudication.

3. The assessment has been made on *best judgement basis*. It was noted that the assessee made cash deposits of Rs.10.69 Lacs in Axis Bank Account during demonetization period. The Ld. AO treated the same as out of unexplained sources and added the same u/s 69A. The Ld. AO also noted that the assessee entered into property sale transaction for Rs.150 Lacs. In the absence of any details as forthcoming from the assessee, the sale consideration was treated as unexplained income of the assessee.

4. During appellate proceedings, the assessee submitted that it withdrew cash of Rs.15 Lacs on 02-11-2016 and 03-11-2016 out of which an amount of Rs.10.50 Lacs was re-deposited in the bank account on 11-11-2016 after announcement of demonetization. The assessee also submitted that submissions made by him were not considered by Ld. AO. Regarding sale of property, it was submitted by the assessee that the said property was sold by Mrs. A. Kaveri as evident from Form 26AS.

5. The Ld. CIT(A) confirmed addition of cash deposits which is the grievance of the assessee. Regarding sale of property, Ld. AO was

directed to verify the said transactions and take necessary action in the hands of Mrs. A. Kaveri which is the grievance of the revenue.

6. Upon perusal of bank statement as placed on record, it is evident that the assessee has withdrawn amount of Rs.15 Lacs on 02-11-2016 and 03-11-2016. On 11-11-2016, the assessee has deposited amount of Rs.10.50 Lacs after announcement of demonetization. The deposits are in very close proximity of earlier withdrawals. In the absence of any finding that the withdrawals were used for any other purposes, it could be concluded that the deposits were out of earlier withdrawals. Therefore, we delete the impugned addition and allow the appeal of the assessee.

7. The assessee has placed on record a copy of sale deed, copy of Form 26AS of Mrs. A. Kaveri and her computation of income. We find that the same is reflected in her Form 26AS. Upon perusal of assessee's bank statement, it could be seen that the assessee has not received any part of the sale consideration. Therefore, the findings of Ld. CIT(A) could not be faulted with. The revenue's appeal stands dismissed.

8. The assessee's appeal stand allowed whereas the revenue's appeal stand dismissed.

*Order pronounced on 6<sup>th</sup> May, 2024*

**Sd/-**

**(S. S. VISWANETHRA RAVI)**

**न्यायिक सदस्य / JUDICIAL MEMBER**

**Sd/-**

**(MANOJ KUMAR AGGARWAL)**

**लेखा सदस्य / ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated :06-05-2024

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**आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF