

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE "SMC" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.485/PUN./2024  
Assessment Year 2017-2018

Mohd Farooque Mohd Rafique Bagban, Merchant Bagwan Shahada Nandurbar. PIN - 425 409. PAN AJDPB2200K Maharashtra.	vs.	The Income Tax Officer, Ward-1, Aayakar Bhavan, Opp. MSEB, Sakri Road, DHULE - 424 001. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Smt. Deepa Khare
For Revenue :	Shri Kalpesh Kumar Rupavatiya

Date of Hearing :	06.05.2024
Date of Pronouncement :	10.05.2024

**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/250/2023-24/1054774826(1), dated 01.08.2023, in proceedings u/s.143(3) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. It emerges during the course of hearing that the assessee's sole substantive ground canvassed in the instant appeal challenges correctness of both the learned lower authorities action making sec.68 r.w.s.115BBE unexplained cash credit(s) addition of Rs.4,04,500/- representing demonetized currency deposited in his bank account(s) in the months of November and December, 2016. It

transpires from the Assessing Officer's detailed discussion in para-5 page-4 that all what he has done is to accept the assessee's cash deposits up-to 30<sup>th</sup> November, 2016 as duly explained and balance of the impugned sum coming to Rs.4,04,500/- in December, 2016 as unexplained cash credit(s). The same appears to be without any justification since he has not even considered the assessee's socio economic status whilst treating 30<sup>th</sup> November, 2016 as the benchmark date in foregoing terms. The fact also remains that the assessee could not explain the source of the impugned cash deposits made in the month of December, 2016. Faced with this situation and in the larger interest of justice; it is deemed appropriate that a *lump sum* addition of Rs.2 lakhs only out of that in question of Rs.4,04,500/- (supra) would be just and proper with a rider that the same shall not be treated as a precedent in any other case. The assessee gets relief of Rs.2,04,500/- in otherwords. 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 10.05.2024.

Sd/  
[SATBEER SINGH GODARA]  
JUDICIAL MEMBER

Pune, Dated 10<sup>th</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.