

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE "SMC" BENCH : PUNE

[THROUGH HYBRID HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.110/PUN./2024 [E-APPEAL]
Assessment Year 2018-2019

Shri Shirish Digambarrao Deshpande (HUF), Deshpande Hospital, Kranti Chowk, PARBANI. Maharashtra. PIN 431 401 PAN AAFHD1239M	vs.	The Income Tax Officer, Ward Hingoli, Aayakar Bhawan, Beside Indian Medical Association, Kalyan Nagar, PARBANI. Maharashtra.PIN 431 401
(Appellant)		(Respondent)

For Assessee :	-None-
For Revenue :	Shri Manish Mehta

Date of Hearing :	18.03.2024
Date of Pronouncement :	10.05.2024

ORDER

This assessee's appeal for assessment year 2018-19, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No.ITBA/NFAC/S/250/2023-24/1058230321(1), dated 24.11.2023, in proceedings u/s.143(3) of the Income Tax Act, 1961 (in short "the Act").

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

2. The assessee pleads the following substantive grounds in the instant appeal :

1. *On the basis of facts and circumstances of the case and in law, the CIT(A) has erred in not deleting the addition of*

- Rs.11.88.625/- as unexplained cash credits u/s.68 of the Income Tax Act 1961 without appreciating the fact that the appellant was not maintaining any books of accounts. Hence addition under section 68 r.w.s 115BBE is bad in law and deserves to be deleted.*
- 2. Without prejudice to ground-1above, on the basis of facts and circumstances of the case and in law, the Ld. Assessing Officer has erred in considering the agriculture expenses on adhoc basis of 35% of the agriculture income without any basis. Hence the addition is liable to be deleted.*
- 3. On the basis of facts and circumstance of the case and in law. the Ld, AO was not justified in initiating penalty proceedings under section 271AAC(1) of the income tax Act, 1961.*
- 4. The appellant craves leave to add, amend, and alter any or withdraw any grounds of appeal al or before the time of appeal hearing.”*

3. Mr. Mehta vehemently supported both the learned lower authorities action making unexplained cash credits addition of Rs.11,88,625/- after subjecting it's alleged agricultural receipts of Rs.35,27,995/- to re-computation of exigency thereupon @ 35%; thereby reducing the expenditure claim of Rs.18,39,370/- in very terms coming to Rs.11,88,625/-. It is this impugned addition which stands

upheld in the learned NFAC's detailed discussion thereby rejecting the assessee's arguments.

4. I have given my thoughtful consideration to assessee's pleadings and Revenue's vehement submissions reiterating their respective stands. I find no merit to express my agreement with either parties vehement submissions in entirety. This is for the precise reason that neither the assessee could prove the impugned agricultural expenditure @ 21.26% by filing all the relevant supportive evidence nor the learned NFAC have been able to justify thereof @ 35% of the gross receipts (supra). That being the case, it is deemed appropriate in the larger interest of justice to re-compute the impugned addition of Rs.11,88,625/- to a lump sum amount of Rs.6 lakhs only with a rider that the same shall not be treated as a precedent in other case(s). The assessee gets relief of Rs.5,88,625/- in otherwords. Necessary computation shall follow as per law. Ordered accordingly.

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

Order pronounced in the open Court on 10.05.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 10th 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.