

IN THE INCOME TAX APPELLATE TRIBUNAL

PUNE "SMC" BENCH : PUNE

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.473/PUN./2024 [E-APPEAL]

Assessment Year 2014-2015

Shri Annasaheb Ramesh Chhaganlal Ajmera Nagari Sahakari Patsanstha Ltd., Near Old Deopur Police Station, Agra Road, Deopur, DHULE-424002. Maharashtra. PAN AAATA8347E	vs.	The ACIT, Circle, Aayakar Bhavan, Opp. MSEB, Sakri Road, DHULE – 424 002. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	Shri Sanket M Joshi
For Revenue :	Shri Kalpesh Kumar Rupavatiya

Date of Hearing :	10.05.2024
Date of Pronouncement :	14.05.2024

ORDER

This assessee's appeal for assessment year 2014-15, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1059620067(1), dated 11.01.2024, involving proceedings u/s. 147 r.w.s.144 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

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

- 1) *“The learned CIT(A) erred in confirming the addition of Rs.10,55,000 towards alleged unexplained cash deposits in bank account without appreciating that the sources of the said cash deposits were from cash withdrawals made on earlier occasions as duly explained out of audited books of accounts, cash book and other details furnished by the appellant credit society and hence, there was no reason to confirm the said addition on facts and in law.*
- 2) *The learned CIT(A) erred in rejecting the explanation regarding source of cash deposits by holding that the audited books furnished by the appellant credit society could not be relied upon since the appellant had not filed the audit report and ITR u/s 139(1) without appreciating that the assessee society had incurred a loss in this year and therefore, it was not liable to file ITR u/s 139(1) of the Act.*
- 3) *The learned CIT(A) ought to have appreciated that in the assessment order u/s 143(3) r.w.s. 147 passed for A.Y.2016-17 which was reopened on same facts, the Dept, has accepted the source of cash deposits made by the appellant society on very same set of facts and therefore, there was no reason to take a contrary view while adjudicating the issue of cash deposits for A.Y.2014-15.*
- 4) *The appellant craves leave to add/alter/amend any of the grounds of appeal.”*

3. It emerges during the course of hearing with the able assistance coming from both the sides that this tribunal's coordinate bench's order dated 25.04.2024 in assessee's appeal itself for the assessment year 2013-2014 has already restored the identical issue of unexplained cash deposits back to the learned NFAC for its afresh appropriate adjudication. It is made clear that the assessee's stand all along is that the impugned cash deposits represent its cash receipts realised from members in regular business activity(ies) only. That being the case, I adopt judicial consistency in these identical facts and circumstances to restore the assessee's instant sole substantive grievance back to the NFAC for its afresh appropriate adjudication preferably within three effective opportunities of hearing subject to the rider that it is the assessee's sole risk and responsibility to prove his case before the lower appellate authority in consequential proceedings. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes.

Order pronounced in the open Court on 14.05.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 14th 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.