



**IN THE INCOME TAX APPELLATE TRIBUNAL,
CUTTACK 'SMC' BENCH, CUTTACK**

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER

ITA No.126/CTK/2024

Assessment Year : 2017-18

Nrusingha Charan Sahoom, At: Nagapur, PO: Nagapur, Gop, Puri.	Vs.	Income Tax Officer, Puri Ward, Puri
PAN/GIR No.EGQPS 5716 D		
(Appellant)	..	(Respondent)

Assessee by : Shri Naresh Singh Rathore
Revenue by : Shri S.C.Mohanty, Id Sr DR

Date of Hearing : 15/05/2024

Date of Pronouncement : 15/05/2024

ORDER

This is an appeal filed by the assessee against the order of the Id CIT(A), NFAC, Delhi dated 29.6.2022 in Appeal No.CIT(A),Bhubaneswar-2/10206/2019-20 for the assessment year 2017-18.

2. Shri Naresh Singh Rathore, Id AR appeared for the assessee. Shri S.C.Mohanty, Id Sr DR represented on behalf of the revenue.

3. The appeal is delayed by 565 days. The assessee has filed condonation petition supported by affidavit. In the petition, it is stated that the assessee is a class 10th standard and is doing the business of mobile recharge and he had no knowledge about assessment proceedings being

conducted in his case much less the appellate proceedings. It was only after the recovery proceedings started and the bank account is attached, the assessee came to know the fact and searched the tax consultant to do the needful. Ld AR of the assessee reiterated the submission made in the condonation petition and submitted that the delay in filing of the may be condoned. Ld Sr DR did not have any serious objection. Considering the fact that the assessee is a 10th standard and is doing small business of mobile recharge, in the interest of justice, the delay of 565 days in filing of the appeal is condoned the appeal is disposed of on merits.

4. It was submitted by Id AR that the assessee is a Mobile Recharge Agent. It was the submission that the assessee had deposited Rs.1,90,000/- in his bank account in the form of SBN notes. It was the submission that the assessee was permitted by Reserve Bank of India to collect top up recharge upto Rs.500 . Ld AR has also placed before me the copy of the deposit details of old currency of Rs.190000/-, which is as follows:

Sl.No.	Date of deposit	Total cash deposit	Old currency
1.	14.11.2016	1,25,780	1,15,000
2.	15.11.2016	57,680	47,000
3.	17,11,2016	37,450	8,000
4.	28,.11.2016	53,275	5,000
5.	1.12.2016	<u>19,340</u>	<u>15,000</u>
		<u>2,93,525</u>	<u>1,90,000</u>

It was the prayer that the addition made by the AO and confirmed by Id CIT(A) be deleted.

5. In reply, Id Sr DR vehemently supported the order of the Assessing Officer and Id CIT(A).

5. I have considered the rival submissions. It is an admitted fact that the amount of Rs.2,50,000/- have been treated by the Government as not to be questioned. In the present case, the assessee has deposited only Rs.1,90,000/- as specified bank notes (SBN) in his bank account. The assessee has produced the dates of deposit of the amount. The assessee is also permitted by Reserve Bank of India to collect SNB notes upto Rs.500/- for recharge of prepaid connection in mobile, which clearly shows that these are within the limit prescribed by RBI. This being so, in the interest of justice, the addition as made by the AO and confirmed by Id CIT(A) stands deleted.

6. In the result, appeal of the assessee stands allowed .

Order dictated and pronounced in the open court on 15/05/2024.

Sd/-
(George Mathan)
JUDICIAL MEMBER

Cuttack; Dated 15/05/2024
B.K.Parida, SPS (OS)

Copy of the Order forwarded to :

1. The Appellant : Nrusingha Charan Sahoo,
At: Nagapur, PO: Nagapur, Gop, Puri
2. Income Tax Officer, Puri Ward, Puri
3. The CIT(A)- NFAC, Delhi
4. Pr.CIT, Bhubaneswar
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

By order

Sr.Pvt.secretary
ITAT, Cuttack