

आयकर अपीलीय अधिकरण, कटक न्यायपीठ, कटक
IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH CUTTACK

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER
AND
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

आयकर अपील सं/ITA No.352/CTK/2023
(निर्धारण वर्ष / Assessment Year : 2017-2018)

Girija Sankar Acharya, Chandmari Padia, Sahadevkhunta, Odisha PAN No. :ADGPA 5090 H	Vs	ACIT, Circle, Balasore
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से /Assessee by	:	Shri Mohit Sheth, Advocate
राजस्व की ओर से /Revenue by	:	Shri S.C.Mohanty, Sr.DR
सुनवाई की तारीख / Date of Hearing	:	06/06/2024
घोषणा की तारीख/ Date of Pronouncement	:	06/06/2024

आदेश / O R D E R

Per Bench :

This is an appeal filed by the assessee against the order of the Id. CIT(A), National Faceless Appeal Centre (NFAC), Delhi, dated 11.10.2023, in DIN & Order No.ITBA/NFAC/S/250/2023-24/1056983739(1), for the assessment year 2017-2018.

2. The assessee has taken four grounds of appeal which are related to the addition made of Rs.26,03,500/- u/s.69A of the Act by holding the cash deposit in SBN during demonetization as unexplained money of the assessee.

3. Brief facts of the case are that the assessee is engaged in the wholesale trading and the return of income was filed on 20.10.2017 at an income of Rs.25,76,020/-. The case was taken for scrutiny for the reason that during the demonetization period the assessee has made cash deposit in SBN of Rs.27,40,000/- on various dates. During the course of assessment proceedings, after considering the cash balance available on the closing of Rs.8.11.2016, the AO has made the addition of the balance amount of Rs.26,03,500/- by treating the same as unexplained money of the assessee u/s.69A of the Act.

4. In first appeal, the Id. CIT(A) concur with the findings of the AO and confirmed the addition. Thus, this present appeal is preferred by the assessee before us.

5. During the course of hearing, the Id. AR of the assessee submitted that the assessee is engaged in wholesale trading business where the sales have been made on credit basis and assessee's employees collected the dues by visiting the shops of the buyers situated in nearby surrounding villages and after returning from the collection duties after 2-3 days, the entire amount collected were handed over along with the respective money receipts issued by them. At that time when the cash is handed over by these collection agents to the assessee, the necessary entries have been passed in the books of account for such cash collection as per each and every individual's money receipt issued by the respective agents. This practice was followed by the assessee since past long. Admittedly as on 8.11.2016 the cash available was of Rs.1,36,590/-,

however, subsequently the collection agents i.e. the staff who returned back after collection from debtors on 9.11.2016 & 10.11.2016, had handed over cash to the assessee along with respective money receipts which was then recorded in cash book. As the Hon'ble Prime Minister has announced demonetization w.e.f. closing of Rs.8.11.2016. The entire cash available with the assessee as on 10.11.2016 which includes the closing balance on 8.11.2016 and cash collected by his staffs upto 8.11.2016 handed over to the assessee on 9th & 10th of November, 2016, being majority was in SBN currency, the same is to be deposited at first opportunity in the bank. The said amount of Rs.27,20,000/- was deposited on 10.11.2016, which is duly backed by the cash balance available on that date with the assessee. Likewise regarding the remaining cash of Rs.20,000/- deposited on 14.11.2016, the Id. AR submitted that since the cash balance as per cash book was sufficient to prove the source of the cash deposited in SBN currency during the demonetization in the bank account, therefore, the addition made and confirmed by the Id. CIT(A) deserves to be deleted. He further submitted that the sales declared by the assessee as well as the other books of account maintained in the regular course have not been doubted and trading results were accepted.

6. *Per Contra*, Id. Sr. DR vehemently supported the orders of the lower authorities and submitted that the assessee was having only cash balance of Rs.1,36,590/- as on 8.11.2016 and no plausible evidences were submitted with respect to the cash stated to have received by its

collection agent and recorded in the cash book on 9th & 10th November, 2016. Thus, it is an afterthought to introduce his black money in the books and, therefore, he prayed for confirmation of the addition made by the lower authorities.

7. We have perused the material available on record and considered the rival submissions put forth by the parties. From the perusal of cash book submitted by the Id. AR of the assessee during the appellate proceedings, it contained two type of cash books, one is consolidated cash book and other is detailed cash book for the period from 1st November, 2016 to 30th November, 2016. We find that the assessee is having cash balance of Rs.1,36,590/- on 8.11.2016 and there were entries of cash received from collection agent against money receipts issued by them which were recorded in the cash book on 9th & 10th November, 2016. As a result, there was a cash balance of Rs.27,26,063.92 when the cash of Rs.27,20,000/- in SBN currency was deposited in the bank on 10.11.2016. Likewise on 14th November, 2016 when Rs,20000/- was deposited in the bank in SBN, the same was backed by sufficient cash balance available on account of collection of money receipt from the collection agents through money receipts. The relevant extract of the cash book is reproduced herein below:-

29-Oct-16	Total Recieved From MR.	201443	0	524124.87(Dr)
29-Oct-16	Total payment Through Voucher.	0	5100	519024.87(Dr)
29-Oct-16	Total Recieved On Sales.	237412	0	756436.87(Dr)
29-Oct-16	Day Wise Total :	438855	5100	756436.87(Dr)
30-Oct-16	Total payment Through Voucher.	0	175000	581436.87(Dr)
30-Oct-16	Day Wise Total :	0	175000	581436.87(Dr)
31-Oct-16	Total Recieved From MR.	231273	0	812709.87(Dr)
31-Oct-16	Total payment Through Voucher.	0	795549	17160.87(Dr)
31-Oct-16	Total Recieved On Sales.	145516	0	162676.87(Dr)
31-Oct-16	Day Wise Total :	376789	795549	162676.87(Dr)
01-Nov-16	Total Recieved From MR.	212841.04	0	375517.91(Dr)
01-Nov-16	Total payment Through Voucher.	0	335100	40417.91(Dr)
01-Nov-16	Total Recieved On Sales.	274082	0	314499.91(Dr)
01-Nov-16	Day Wise Total :	486923.04	335100	314499.91(Dr)
02-Nov-16	Total Recieved From MR.	486207	0	800706.91(Dr)
02-Nov-16	Total payment Through Voucher.	0	600110	200596.91(Dr)
02-Nov-16	Total Recieved On Sales.	127615	0	328211.91(Dr)
02-Nov-16	Day Wise Total :	613822	600110	328211.91(Dr)
03-Nov-16	Total Recieved From MR.	327002	0	655213.91(Dr)
03-Nov-16	Total payment Through Voucher.	0	400000	255213.91(Dr)
03-Nov-16	Total Recieved On Sales.	198018	0	453231.91(Dr)
03-Nov-16	Day Wise Total :	525020	400000	453231.91(Dr)
04-Nov-16	Total Recieved From MR.	210083	0	663314.91(Dr)
04-Nov-16	Total payment Through Voucher.	0	405475	257839.91(Dr)
04-Nov-16	Total Recieved On Sales.	187343	0	445182.91(Dr)
04-Nov-16	Day Wise Total :	397426	405475	445182.91(Dr)
05-Nov-16	Total Recieved From MR.	563788	0	1008970.91(Dr)
05-Nov-16	Total payment Through Voucher.	0	630310	378660.91(Dr)
05-Nov-16	Total Recieved On Sales.	184972	0	563632.91(Dr)
05-Nov-16	Day Wise Total :	748760	630310	563632.91(Dr)
06-Nov-16	Day Wise Total :	0	0	563632.91(Dr)
07-Nov-16	Total payment Through Voucher.	0	400000	163632.91(Dr)
07-Nov-16	Total Recieved On Sales.	205277	0	368909.91(Dr)
07-Nov-16	Day Wise Total :	205277	400000	368909.91(Dr)
08-Nov-16	Total payment Through Voucher.	0	500100	131190.09(Cr)
08-Nov-16	Total Recieved On Sales.	267781	0	136590.91(Dr)
08-Nov-16	Day Wise Total :	267781	500100	136590.91(Dr)
09-Nov-16	Total Recieved From MR.	1320762	0	1457352.91(Dr)
09-Nov-16	Total payment Through Voucher.	0	150	1457202.91(Dr)
09-Nov-16	Total Recieved On Sales.	60193	0	1517395.91(Dr)
09-Nov-16	Day Wise Total :	1380955	150	1517395.91(Dr)
10-Nov-16	Total Recieved From MR.	1119895.01	0	2637290.92(Dr)
10-Nov-16	Total payment Through Voucher.	0	2733495	96204.08(Cr)
10-Nov-16	Total Recieved On Sales.	102268	0	6063.92(Dr)
10-Nov-16	Day Wise Total :	1222163.01	2733495	6063.92(Dr)
11-Nov-16	Total Recieved From MR.	41000	0	47063.92(Dr)
11-Nov-16	Total payment Through Voucher.	0	670	46393.92(Dr)
11-Nov-16	Total Recieved On Sales.	105820	0	152213.92(Dr)
11-Nov-16	Day Wise Total :	146820	670	152213.92(Dr)
12-Nov-16	Total Recieved From MR.	195620	0	347833.92(Dr)
12-Nov-16	Total payment Through Voucher.	0	5340	342493.92(Dr)
12-Nov-16	Total Recieved On Sales.	34240	0	376733.92(Dr)
12-Nov-16	Day Wise Total :	229860	5340	376733.92(Dr)
13-Nov-16	Total Recieved From MR.	23150	0	399883.92(Dr)
13-Nov-16	Day Wise Total :	23150	0	399883.92(Dr)
14-Nov-16	Total Recieved From MR.	202985	0	602868.92(Dr)
14-Nov-16	Total payment Through Voucher.	0	390170	212698.92(Dr)
14-Nov-16	Total Recieved On Sales.	132935	0	345633.92(Dr)
14-Nov-16	Day Wise Total :	335920	390170	345633.92(Dr)

8/11/2016	Sales : 19602	CASH SALES	0	7001	43188.09
8/11/2016	Sales : 19603	CASH SALES	0	671	42517.09
8/11/2016	Sales : 19604	CASH SALES	0	1298	41219.09
8/11/2016	Sales : 19605	CASH SALES	0	3520	37699.09
8/11/2016	Sales : 19606	CASH SALES	0	669	37030.09
8/11/2016	Sales : 19608	CASH SALES	0	447	36583.09
8/11/2016	Sales : 19611	CASH SALES	0	1616	34967.09
8/11/2016	Sales : 19612	CASH SALES	0	2510	32457.09
8/11/2016	Sales : 19613	CASH SALES	0	5273	27184.09
8/11/2016	Sales : 19614	CASH SALES	0	1860	25324.09
8/11/2016	Sales : 19616	CASH SALES	0	4003	21321.09
8/11/2016	Sales : 19617	CASH SALES	0	5070	16251.09
8/11/2016	Sales : 19625	CASH SALES	0	3893	12358.09
8/11/2016	Sales : 19626	CASH SALES	0	722	11636.09
8/11/2016	Sales : 19627	CASH SALES	0	1296	10340.09
8/11/2016	Sales : 19635	CASH SALES	0	67	10273.09
8/11/2016	Sales : 19638	CASH SALES	0	34	10239.09
8/11/2016	Sales : 19639	CASH SALES	0	17	10222.09
8/11/2016	Sales : 19640	CASH SALES	0	75	10147.09
8/11/2016	Sales : 19641	CASH SALES	0	142734	132586.91
8/11/2016	Sales : 19690	CASH SALES	0	4004	<u>136590.91</u>
9/11/2016	Mr : 9430	CASH COLLECTED AGAINST MONEY RECEIPT BY PANI	0	1412	138002.91
9/11/2016	Mr : 9733	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	600	138602.91
9/11/2016	Mr : 9734	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	500	139102.91
9/11/2016	Mr : 9750	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1110	140212.91
9/11/2016	Mr : 9751	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	883	141095.91
9/11/2016	Mr : 9752	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1500	142595.91
9/11/2016	Mr : 9753	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	638	143233.91
9/11/2016	Mr : 9754	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	3439	146672.91
9/11/2016	Mr : 9755	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	300	146972.91
9/11/2016	Mr : 9756	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	678	147650.91
9/11/2016	Mr : 10072	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	1000	148650.91
9/11/2016	Mr : 10075	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	300	148950.91
9/11/2016	Mr : 10081	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	554	149504.91
9/11/2016	Mr : 10162	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	5000	154504.91
9/11/2016	Mr : 10163	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	10348	164852.91
9/11/2016	Mr : 10164	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	10000	174852.91
9/11/2016	Mr : 10165	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	10000	184852.91
9/11/2016	Mr : 10166	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	90000	274852.91
9/11/2016	Mr : 10167	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	5000	279852.91
9/11/2016	Mr : 10168	CASH COLLECTED AGAINST MONEY RECEIPT BY ARMAN	0	1291	281143.91

9/11/2016	Pay : 482	PAID TO BASANTI AUTO AGENCY	150	0	1457202.91
9/11/2016	Sales : 19665	CASH SALES	0	1827	1459029.91
9/11/2016	Sales : 19678	CASH SALES	0	1826	1460855.91
9/11/2016	Sales : 19679	CASH SALES	0	2190	1463045.91
9/11/2016	Sales : 19687	CASH SALES	0	1917	1464962.91
9/11/2016	Sales : 19691	CASH SALES	0	834	1465796.91
9/11/2016	Sales : 19695	CASH SALES	0	12720	1478516.91
9/11/2016	Sales : 19697	CASH SALES	0	38879	<u>1517395.91</u>
10/11/2016	Mr : 9431	CASH COLLECTED AGAINST MONEY RECEIPT BY PANI	0	6000	1523395.91
10/11/2016	Mr : 9432	CASH COLLECTED AGAINST MONEY RECEIPT BY PANI	0	2600	1525995.91
10/11/2016	Mr : 9433	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	4769	1530764.91
10/11/2016	Mr : 9434	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	1526	1532290.91
10/11/2016	Mr : 9435	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	10214	1542504.91
10/11/2016	Mr : 9436	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	20000	1562504.91
10/11/2016	Mr : 9437	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	30000	1592504.91
10/11/2016	Mr : 9438	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	5000	1597504.91
10/11/2016	Mr : 9439	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	8000	1605504.91
10/11/2016	Mr : 9757	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	800	1606304.91
10/11/2016	Mr : 9758	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	991	1607295.91
10/11/2016	Mr : 9759	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	500	1607795.91
10/11/2016	Mr : 9760	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1000	1608795.91
10/11/2016	Mr : 9761	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1500	1610295.91
10/11/2016	Mr : 9762	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	425	1610720.91
10/11/2016	Mr : 9763	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	820	1611540.91
10/11/2016	Mr : 9764	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1068	1612608.91
10/11/2016	Mr : 9765	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1329	1613937.91
10/11/2016	Mr : 9766	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1172	1615109.91
10/11/2016	Mr : 9767	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	300	1615409.91
10/11/2016	Mr : 9768	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	2148	1617557.91
10/11/2016	Mr : 9769	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	347	1617904.91
10/11/2016	Mr : 9770	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1638	1619542.91
10/11/2016	Mr : 9771	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	500	1620042.91
10/11/2016	Mr : 9772	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	669	1620711.91
10/11/2016	Mr : 9773	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	2000	1622711.91
10/11/2016	Mr : 9774	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1157	1623868.91
10/11/2016	Mr : 9775	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	2000	1625868.91
10/11/2016	Mr : 9776	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	1500	1627368.91
10/11/2016	Mr : 9777	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	708	1628076.91
10/11/2016	Mr : 9778	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	300	1628376.91
10/11/2016	Mr : 9779	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	500	1628876.91
10/11/2016	Mr : 9780	CASH COLLECTED AGAINST MONEY RECEIPT BY DEBU	0	7895	1636771.91

10/11/2016	Mr : 10901	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	500	2384236.91
10/11/2016	Mr : 10902	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	1601	2385837.91
10/11/2016	Mr : 10903	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	2000	2387837.91
10/11/2016	Mr : 10904	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	4000	2391837.91
10/11/2016	Mr : 10905	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	20000	2411837.91
10/11/2016	Mr : 10906	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	4804	2416641.91
10/11/2016	Mr : 10907	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	7635	2424276.91
10/11/2016	Mr : 10908	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	20000	2444276.91
10/11/2016	Mr : 10909	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	17825	2462101.91
10/11/2016	Mr : 10910	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	2000	2464101.91
10/11/2016	Mr : 10911	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	4000	2468101.91
10/11/2016	Mr : 10912	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	1612	2469713.91
10/11/2016	Mr : 10913	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	15000	2484713.91
10/11/2016	Mr : 10914	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	1500	2486213.91
10/11/2016	Mr : 10915	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	2108	2488321.91
10/11/2016	Mr : 10916	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	1646	2489967.91
10/11/2016	Mr : 10917	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	926	2490893.91
10/11/2016	Mr : 10918	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	4295	2495188.91
10/11/2016	Mr : 10919	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	500	2495688.91
10/11/2016	Mr : 10920	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	1500	2497188.91
10/11/2016	Mr : 10921	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	2076	2499264.91
10/11/2016	Mr : 10922	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	2000	2501264.91
10/11/2016	Mr : 10923	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	4000	2505264.91
10/11/2016	Mr : 10924	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	20000	2525264.91
10/11/2016	Mr : 10925	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	20000	2545264.91
10/11/2016	Mr : 10926	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	20000	2565264.91
10/11/2016	Mr : 10927	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	20000	2585264.91
10/11/2016	Mr : 10928	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	6393	2591657.91
10/11/2016	Mr : 10929	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	12153	2603810.91
10/11/2016	Mr : 10930	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	14826	2618636.91
10/11/2016	Mr : 10931	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	2000	2620636.91
10/11/2016	Mr : 10932	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	548	2621184.91
10/11/2016	Mr : 10933	CASH COLLECTED AGAINST MONEY RECEIPT BY AKHAYA	0	1106	2622290.91
10/11/2016	Mr : 11068	CASH COLLECTED AGAINST MONEY RECEIPT BY CHABBI	0	15000	2637290.91
10/11/2016	Mr : 70075	NULL	0	0.01	2637290.92
10/11/2016	Pay : 234	FREIGHT FOR DELIVERY	1550	0	2635740.92
10/11/2016	Pay : 235	FREIGHT FOR DELIVERY	220	0	2635520.92
10/11/2016	Pay : 236	FREIGHT FOR DELIVERY	130	0	2635390.92
10/11/2016	Pay : 237	FREIGHT FOR DELIVERY	5600	0	2629790.92
10/11/2016	Pay : 278	CASH DEPOSIT TO BANK	2720000	0	90209.08
10/11/2016	Pay : 622	UNLOADING CHARGES FOR INV NO-TS880 & S.C NO-328	1000	0	91209.08

8. The assessee has filed cash book and money receipts before the AO in terms of the e-filing acknowledgement No.07042114629007, which is reproduced as under :-

Acknowledgement Number : 07042114629007

e-Proceedings Response Acknowledgement					
INCOME TAX DEPARTMENT					
PROCEEDING DETAILS					
PAN/TAN	ADGPA5090H				
Name	GIRIJA SANKAR ACHARYA				
Assessment Year	2017-18				
Financial Year	2016-17				
Proceeding Name	Issue Letter				
Document Reference ID	10000401181393				
Notice Section					
Description	[ITBA]Issue Letter				
Notice Issue Date	13-03-2020				
Due Date for Submission					
Communication Sent date					
Document Id	ITBA/COM/F/17/2019-20/1026583969(1)				
RESPONSE SUBMITTED					
Response Type	Partial Response				
Response/Remarks	Notice Reply.				
Hash * value of remarks	zw2UJKrs2b7MvithcRPzYw+o1z9U2DJK8vSdPIgn8=				
Sl No.	Attachment name	Description	Others Description	Size (bytes)	Hash * value of attachment
1	NoticeReply.pdf	Others	Notice Reply	311620	dRGjJhWk7B5koZjdPFYv i9asOgOLE+1BedjUL+Ct ItE=
2	CASHBOOK.pdf	Others	CASH BOOK	1159193	qJPY+msnVrjnh+X4VUxA YyAA1uhnFuwoZW5rvy6g sdw=
3	07112016-1.pdf	Others	MONEY RECE IPTS FOR 0 7.11.2016 PART 1	7778229	zIBBa/cKp9YpDRkLyoKz brZiuYO3Sv23yEn7a8Vq +Lo=
4	07112016-2.pdf	Others	MONEY RECE IPTS FOR 0 7.11.2016 PART 2	4295105	wHi0UFn7g4IZo5eVxAu Z7RjX3Jl8acrC7nj3Us Px0=

Page 1

Acknowledgement Number : 07042114629007

5	08112016-1.pdf	Others	MONEY RECE IPTS FOR 0 8.11.2016 PART 1	7801307	Reh5fvaR6TEqSfbNs8T 0S923hnVi8iBOPBu02nP V +g=
6	08112016-2.pdf	Others	MONEY RECE IPTS FOR 0 8.11.2016 PART 2	6434415	Tokh58DnVu9dtg6NOCwc tLjHEOV/bXdxsemgGPzH 96c=
7	Vakalatnama.pdf	Others	VAKALATNA A	M34864	Mqht/Jn3QzI5R45QdauI EFYgFPhmaOoghRyhUMVf ARU=
This is a system generated acknowledgement and does not require signature.					
* Hash : This value will uniquely identify the uploaded files and remarks.					



9. As the assessee has discharged its burden by submitting every plausible detail with respect to the availability of cash as explained through cash collection made by his staff during the period from 1st November to 8th November, 2016, which was handed over to him on 9th & 10th November, 2016 and recorded in the cash book, therefore, the cash deposit in SBN on 10.11.2016 in the bank account cannot be held as unexplained. It is also a matter of fact that the said cash was realization of the credit sales made by the assessee and since such credit sales as well as the closing cash balance and the profits computed from such sales had been accepted by the AO without making any adverse comments with regard to the genuineness of the same, merely doubting the availability of the cash on assumptions and presumptions without pointing out any specific defects in the details submitted by the assessee is not permitted. In view of these facts and circumstances, we are of the considered view that the assessee has been sufficiently able to prove the source of cash deposit in bank in SBN currency during the demonetization and accordingly the addition made by the AO and upheld by the Id. CIT(A) of Rs.26,03,500/-is hereby deleted.

10. In the result, appeal of the assessee is allowed.

Order dictated and pronounced in the open court on 06/06/2024.

Sd/-
(GEORGE MATHAN)

न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANISH AGARWAL)

लेखा सदस्य/ ACCOUNTANT MEMBER

कटक Cuttack; दिनांक Dated 06/06/2024

Prakash Kumar Mishra, Sr.P.S.

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant-
Girija Sankar Acharya,
Chandmari Padia,
Sahadevkhunta, Odisha
2. प्रत्यर्थी / The Respondent-
ACIT, Circle, Balasore
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR,
ITAT, Cuttack
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Assistant Registrar)

आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack