

IN THE INCOME TAX APPELLATE TRIBUNAL
Mumbai "D" Bench, Mumbai.

Before Shri Satbeer Singh Godara (JM) & Shri Girish Agrawal (AM)

I.T.A. No. 1412/Mum/2024 (A.Y. 2017-18)

Rajiben Raja Bera 5/303, Pokhran Road No. 1, Devdaya Nagar Thane West Maharashtra-400 606. PAN : AKFPP9888G	Vs.	The CIT(A)/ National Faceless Appeal Centre, Delhi/Assessing Officer Ward 3(2), Ashar IT Park Road No. 16Z, Wing B 6 th Floor, Wagle Indl. Estate, Thane West Maharashtra-400604.
(Appellant)		(Respondent)

Assessee by	Shri Akash Kumar
Department by	Smt. Mahita Nair
Date of Hearing	04.07.2024
Date of Pronouncement	10.07.2024

ORDER

Per Satbeer Singh Godara (JM) :-

This assessee's appeal for A.Y. 2018-19, arises against the National Faceless Appeal Centre "NFAC", Delhi's Din and order No. ITBA/NFAC/S/250/2023-24/1061180783(1) dated 20.02.2024 in proceedings under section 143(3) of the Income Tax Act 1961 in short (the "Act").

Heard both the parties at length. Case file perused.

2. It emerges from the outset assessee's sole substantive grievance which arises for our apt adjudication is that of correctness of lower authorities action making section 69A read with section 115BBE unexplained money addition of Rs. 25,00,000/- made in course of assessment dated 29.11.2019, as upheld in the lower appellate discussion.

Both the representatives reiterated vehement stands against and in support of impugned addition. Learned counsel submitted that the assessee has been upon carrying out small time multi dimensional business(es) and household activity at home. And that these cash deposits represent her cash receipt and past withdrawals with accumulated savings only. He took us to page No. 32 of the paper book. Wherein the assessee has been stated to be a regular taxpayer right from A.Y. 2011-12 onwards having declared “paltry” taxable income in all these years except A.Y. 2012-13 involving that corresponding amount of Rs. 10,80,384/-.

3. Learned DR has vehemently supported the impugned addition made by the lower authorities.

4. We have given our due consideration of foregoing rival submissions and find no reason to accept either parties stand in entirety. This is for the precise reason that the assessee; who has been a regular filer, has neither placed on record her cash flow statement or any other material on record to explain these cash deposits of Rs. 25 lakhs nor the Revenue could rebut presumption of her having got accumulated some savings in cash. keeping in mind her socio economic status. Faced with this situation, we deem it appropriate that lump sum addition of Rs. 20 lakhs out of that in question of Rs. 25 lakhs, would be just and proper with a rider the same shall not be treated as precedent. The assessee got relief of Rs. 5 lakhs in other words. Necessary computation shall follow as per law.

5. The appeal of the assessee is partly allowed in above terms.

Order pronounced in the open court on 10th July, 2024.

Sd/-
(Girish Agrawal)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Mumbai : 10.07.2024

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. The CIT(A)
4. CIT
5. DR, ITAT, Mumbai.
6. Guard File.

//True Copy//

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BY ORDER,

(Assistant Registrar)
ITAT, Mumbai