

आयकर अपीलीय अधिकरण, हैदराबाद पीठ में
IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "SMC", HYDERABAD

BEFORE SHRI K. NARASIMHA CHARY, JUDICIAL MEMBER

आ.अपी.सं / ITA No. 628/Hyd/2024
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shakuntala Barma, Vs. Income Tax Officer,
2 – 100, Dullapalle, Ward-11 (2),
Medchell-500014. Hyderabad
[PAN No. BLZPB5284Q]

अपीलार्थी / Appellant प्रत्यर्थी / Respondent

निर्धारिती द्वारा/Assessee by: Shri Shashank Dundu, advocate
राजस्व द्वारा/Revenue by: Shri Aravindakshan, DR

सुनवाई की तारीख/Date of hearing: 10/7/2024
घोषणा की तारीख/Pronouncement on: 25/7/2024

आदेश / ORDER

Aggrieved by the order dated 22/4/2024 passed by the learned Commissioner of Income Tax (Appeals)- National Faceless Appeal Centre (NFAC), Delhi ("Learned CIT(A)"), in the case of Shakuntala Barma ("the assessee") for the assessment year 2017-18, assessee preferred this appeal.

2. Assessee is an individual and filed the return of income for the assessment year 2017-18 on 1/8/2017 admitting total income of ₹ 1, 64, 920/-. During assessment proceedings, learned Assessing Officer noticed that the assessee had deposited a cash of ₹ 43 lakhs. Assessee explained that such cash deposits were made out of previous withdrawals from bank

account and the gift received from her husband. It could be culled out from the orders of the authorities that the assessee also furnished date-wise details of cash deposits. Learned Assessing Officer recorded that the gift deed which the assessee furnished was executed on 11/9/2019 and there is no verifiable evidence that the sale proceeds of the agricultural land is received in cash. Learned Assessing Officer, therefore, added the entire cash deposits of ₹ 43 lakhs to the income of the assessee.

3. Learned CIT(A) noted that the assessee did not furnish any evidence to justify the source of cash deposits in bank account, merely furnishing of gift deed is not valid evidence to justify the source of cash deposits and the assessee has not furnished the copy of sale deed executed by her husband in sale of agricultural property. Holding that there is no evidence on record to justify or prove that the husband of the assessee had received the sale consideration of ₹ 17 lakhs in cash, learned CIT(A) dismissed the appeal.

4. Hence this appeal by the assessee. Learned AR submitted that the mandate of Ltd scrutiny was to verify the issue of cash deposits during the monitor and period, whereas the learned Assessing Officer added the entire deposits during the year, by travelling beyond the limited scrutiny. Learned AR further submitted that the assessee received gift of ₹ 43 lakhs from her husband out of agricultural land sale proceeds and agricultural income, which was even confirmed by the husband of the assessee through gift deed and thus the addition made by the learned Assessing Officer and confirmed by the learned CIT(A) is arbitrary and nonapplication of diligence. Learned AR submitted that the authorities did not require the assessee to produce any particular evidence but refused to act upon the evidence produced by the assessee. Learned AR submitted that give an opportunity, the assessee is ready to produce the copy of sale deed executed by her husband in sale of agricultural property and are ready to prove that her husband received sale consideration in cash.

5. Learned DR, on the other side, vehemently opposed this request of the assessee to give an opportunity for producing the evidence in support of her claim, having failed to avail the opportunity that was available before the authorities at the time of assessment and first appellate proceedings.

6. I have gone through the record in the light of the submissions made on either side. The case was selected for Ltd scrutiny to verify the deposits during the demonetisation period, which according to the assessee amount of ₹ 2.11 Lacs, as per the bank statement. Adding the sum of ₹ 43 lakhs by the learned Assessing Officer is, therefore, not justified. It is not the case of the Revenue that the assessee was asked to produce any evidence and the assessee did not do so. Since the assessee is willing to file the evidence to prove her claim of her husband receiving amounts in cash to justify the deposits during the demonetisation period, I am of the considered opinion that providing an opportunity would be in the interest of justice.

7. With this view of the matter, I set aside the impugned order and restored the issue to the file of the learned Assessing Officer to verify only the deposits during the demonetisation period and resources for the same. Grounds of appeal are accordingly answered for statistical purpose.

8. In the result, appeal of the assessee is allowed for statistical purpose.

Order pronounced in the open court on this the 25th July, 2024.

Sd/-
(K. NARASIMHA CHARY)
JUDICIAL MEMBER

Hyderabad,
Dated: 25/07/2024

pvv

Copy forwarded to:

1. Shakuntala Barma, 2 – 100, Dullapalle, Medchell-500014.
2. Income Tax Officer, Ward-11 (2), Hyderabad
3. Pr.CIT, Hyderabad.
4. DR, ITAT, Hyderabad.
5. GUARD FILE.

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ASSISTANT REGISTRAR
ITAT, HYDERABAD