



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

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

**ITA No.24/CTK/2024**

Assessment Year : 2017-18

Meena Agarwal, Ward No.6, Kejorimal House, Rairangpur, Mayurbhanj	Vs.	ACIT(International Taxation), Bhubaneswar.
PAN/GIR No.AABWPA 9094 M		
<b>(Appellant)</b>	..	<b>( Respondent)</b>

Assessee by : Shri P.K.Mishra, Adv  
Revenue by : Shri S.C.Mohanty, Sr DR

**Date of Hearing : 7/8/2024**  
**Date of Pronouncement : 7/8/2024**

**ORDER**

**Per Bench**

This is an appeal filed by the assessee against the order of the Id CIT(A), Kolkata-22 dated 22.12.2023 in Appeal No. CIT(A), Bhubaneswar-1/14665/2019-20 for the assessment year 2017-18.

2. Shri P.K.Mishra, Id AR appeared for the assessee and Shri S.C.Mohanty, Sr. DR appeared for the revenue.

3. It was submitted by Id AR that the assessee is a Non-Resident Indian. The assessee and her husband had deposited Rs.4,85,000/- in the joint account maintained with her husband. It was the submission that the husband of the assessee had disclosed Rs.2,49,000/- in his return as his savings. The Assessing Officer had made addition of the entire amount of Rs.4,85,000/- in the hands of the assessee as unexplained investment. It was the submission that the assessee had no other source of income and consequently, demonetized currency deposited with the bank account of the assessee jointly held with her were nothing but the withdrawals of the assessee from their NRE/NRI account.

4. In reply, Id Sr DR vehemently supported the order of the AO and Id CIT(A). It was the submission that the assessee has not been able to explain the source of deposits in the joint account. It was the submission that only one of the bank account was disclosed by her husband.

5. We have considered the rival submissions. A perusal of the CIT(A)'s order at page 2 shows that in the statement of fact, which has been extracted, it is an agreed fact that both the accounts are joint accounts with her husband, where an amount of Rs.2,49,000/- was deposited with the bank account maintained with State Bank of India and Rs.2,36,000/- was deposited with the bank account maintained with ICICI. The husband is the first holder. The husband admittedly had disclosed Rs.2,36,000/- deposited with the bank in his return. The statement of Id Sr DR is that the husband

had not disclosed the second bank account in his return. It was questioned to Id Sr DR that if this is so, why the husband of the assessee had not been assessed for the amount in the said account. For this, there is no reply. In any case, it is an undisputed fact that the assessee is an NRI and is not having any source of income, which could generate such demonetized currency. This being so, the addition of Rs.4,85,000/- cannot be made in the hands of the assessee in any case insofar as Rs.2,49,000/- has been disclosed by the assessee's husband in his return and the Assessing Officer was very much aware of the same and has recorded at page 2 of the assessment order. In respect of Rs.2,36,000/-, as mentioned earlier, the assessee is the only second holder and addition cannot be made in the hands of the assessee. Even otherwise, the assessee is an NRI and has no source of income which could generate such demonetized currency. This being so, the addition made by the AO and confirmed by Id CIT(A) in its entirety stands deleted.

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

Order dictated and pronounced in the open court on 07/08/2024.

Sd/-  
**(Manish Agarwal)**  
ACCOUNTANT MEMBER

sd/-  
**(George Mathan)**  
JUDICIAL MEMBER

Cuttack; Dated 07/08/2024  
B.K.Parida, SPS (OS)

**Copy of the Order forwarded to :**

1. The appellant; Meena Agarwal, Ward No.6,  
Kejorimal House, Rairangpur, Mayurbhanj
2. The Respondent: ACIT (International  
Taxation), Bhubaneswar
3. The CIT(A), Kolkata-22.
4. Pr.CIT, Bhubaneswar
5. DR, ITAT,
6. Guard file.  
//True Copy//

**By order**

Sr.Pvt.secretary  
**ITAT, Cuttack**

