

आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.1297/Chny/2024
(निर्धारण वर्ष / Assessment Year: 2011-12)

Shri Shanmugavel Arumugam No.L277, Sembaligaradu, Savadi Street, RP Pudur, Namakkal-637 001.	बनाम/ Vs.	ITO Ward-1, Namakkal.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. ARZPA-3566-B		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri T.S. Lakshmi Venkataraman (FCA) - Ld.AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Ms. Samantha (Addl.CIT) -Ld. DR

सुनवाईकी तारीख/Date of Hearing	:	22-07-2024
घोषणाकी तारीख /Date of Pronouncement	:	08-08-2024

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2011-12 arises out of an order passed by Learned Addl / Joint Commissioner of Income Tax (Appeals)-2, Ahmedabad [CIT(A)] on 20-03-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s 143(3) r.w.s 147 of the Act on 13-12-2018.
2. Upon perusal of assessment order, it could be seen that the assessee is stated to be engaged in the business of lorry body building. The assessee made cash deposits of Rs.24.41 Lacs in his savings bank

account with HDFC Bank. The Ld.AO issued notice u/s. 148 of the Act to verify the source of cash deposits. The assessee, vide reply dated 13-12-2018, submitted that he was doing lorry body-building business for the past 15 years. The savings of Rs.8 Lacs was deposited in SB account. The assessee admitted income of Rs.2.11 Lacs u/s 44AD @11.75% of turnover of Rs.18 Lacs. The Ld. AO held that the differential of turnover of Rs.18 Lacs and cash deposits of Rs.24.41 Lacs was unexplained income and added the same u/s 69A of the Act. The Ld. CIT(A) confirmed the action of Ld. AO. Aggrieved, the assessee is in further appeal before us.

3. Considering the factual matrix, the undisputed position is that the assessee has carried on small business since past many years and offered income on presumptive basis. It was quite possible that the assessee saved some money out of this business and deposited the same during the year. Under these circumstances, we restrict the impugned additions to Rs.2 Lacs. The balance addition stand deleted. No other ground has been urged before us.

4. The appeal stand partly allowed.

Order pronounced on 8th August, 2024

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated :08-08-2024

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आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT Salem.
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF