

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.831/PUN/2024

निर्धारण वर्ष / Assessment Year : 2017-18

Ramesh Mallikarjun Potdar, Hanuman Galli, Sarafa Bazar, Omerga Bazar S.O., Umarga (Rural), Osmanabad – 413 606, Maharashtra PAN : ALDPP9536G	Vs.	Income Tax Officer, Ward Osmanabad
Appellant		Respondent

Assessee by : Shri Narendra Joshi
Revenue by : Shri Satyajit Mandal

Date of hearing : 12.08.2024
Date of pronouncement : 12.08.2024

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of National Faceless Appeal Centre (NFAC), Delhi dated 22.02.2024 for the assessment year 2017-18.

2. Brief facts of the case are as under :

The appellant is an individual, no regular return of income under the provisions of section 139(1) was filed for the A.Y. 2017-18. Based on the information received through ITBA (AIMS) that the appellant made a cash deposit during demonetization period of Rs.38,27,000/- with State Bank of Hyderabad, Omerga Branch, the Assessing Officer (AO) formed an opinion that income escaped assessment to tax,

accordingly reopened the assessment. Notice u/s.142(1) was issued to the appellant on 28.11.2017 calling upon the appellant to file the return of income. The appellant had not complied with the said notice nor the questionnaire issued. During the course of assessment proceedings, the Joint Commissioner of Income-tax (JCIT), Latur Range issued directions u/s.144A of the Act vide letter dated 24.06.2019, wherein the AO was directed to call for the Bank Statement of current year as well as the preceding and succeeding year and to do the detailed analysis of the cash deposits and then form an opinion as to the genuineness of the transaction of cash deposits made during demonetization period. In response to the directions, the appellant had filed the information, however, the AO without adverting to the submissions made completed the assessment by bringing to tax the cash deposits of Rs.38,27,000/- made during demonetization period as unexplained money and accordingly taxed the same u/s.115BBE of the Act.

3. Being aggrieved, an appeal was filed before the CIT(A)/NFAC contending that the directions of JCIT u/s.144A are prejudicial to the appellant and illegal without jurisdiction and the cash deposits are supported by proper sources. However, the Id. CIT(A)/NFAC rejecting the contentions of the appellant dismissed the appeal, confirmed the action of the Assessing Officer.

4. Being aggrieved, the appellant is in appeal before the Tribunal.

5. I heard the rival submissions and carefully perused the material on record. At the outset, I find that pursuant to the directions issued by the JCIT u/s.144A, the appellant had filed the data of cash deposits made during the demonetization period, as well as for the preceding year and the succeeding year. However, it appears that neither the AO nor the CIT(A)/NFAC had adverted to the information nor did the

analysis in terms of the directions of the Id. JCIT. Therefore, I am of the considered opinion that the matter requires a remand to the file of AO with a direction that the assessment should be made pursuant to the directions of the JCIT issued u/s.144A of the Act.

6. In the result, the appeal filed by the assessee is partly allowed for statistical purposes.

Order pronounced on this 12th day of August, 2024.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 12th August, 2024.

Satish

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच, पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.