

आयकर अपीलिय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH, CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री एस. आर. रघुनाथा, लेखा सदस्य के समक्ष
BEFORE SHRI MAHAVIR SINGH, HON'BLE VICE PRESIDENT AND
SHRI S. R. RAGHUNATHA, HON'BLE ACCOUNTANT MEMBER

आयकर अपीलसं./ITA No.: 1452/Chny/2024

निर्धारणवर्ष / Assessment Year: 2017-18

Mrs. Nathella Sanjana Anandha Income Tax Officer,
58, North Mada Street, v. Non- Corporate Ward -1(6),
Mylapore, Chennai – 600 004. Chennai.
[PAN: AGFPT-9718-F]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओरसे/Appellant by : Shri. Mansoor Ilahi, Advocate
प्रत्यर्थी की ओरसे/Respondent by : Smt. M.S. Deeptha, JCIT

सुनवाई की तारीख/Date of Hearing : 08.08.2024

घोषणा की तारीख/Date of Pronouncement : 09.08.2024

आदेश / O R D E R

PER S. R. RAGHUNATHA, ACCOUNTANT MEMBER:

This appeal filed by the assessee is directed against the order passed by the Addl/JCIT(A)-3, Bengaluru, for the assessment year 2017-18 dated 25.03.2024.

2. The only ground raised by the Assessee is the Id.CIT(A) erred in dismissing the appeal by upholding the addition of Rs.5,45,000/- made by the AO as unexplained investment U/s.69 of the Act.

3. The assessee is an individual filed her return of Income for the A Y 2017-18 on 31/03/2018 by declaring Total income of Rs.58,450/-. The case was selected for scrutiny under CASS to verify the cash deposits made during the demonetisation period. The AO has passed an order U/s.143(3) on 06/11/2019 by making an addition of Rs.5,45,000/- U/s.69 of the Act as unexplained investment, holding as under:

"The assessee has merely stated that "the gift received during the marriage was in the form of legal tender and was kept as pin money savings." But the assessee has not produced any evidence in support of reply submitted on 29.10.2019. Hence the nature and source for cash deposits in the bank account submitted by the assessee is without any evidence or supporting documents is not satisfactory. Hence investment made by the assessee in the bank account is unexplained. The assessment order is passed accordingly making the addition of Rs.5,45,000 as unexplained investment u/s. 69 of the Act.

<i>Returned Income-</i>	<i>Rs.58450</i>
<i>Addition -</i>	<i>Rs.545000 (u/s. 69 unexplained investment)</i>
<i>Assessed income -</i>	<i>Rs.603450."</i>

4. Aggrieved by the order of the AO, the assessee preferred an appeal before the Ld.CIT(A), NFAC. The Ld.CIT(A) has confirmed the disallowance made by the AO as per the Assessment order. Aggrieved by the order of the Ld.CIT(A), the assessee in appeal before us.

5. The Id.AR for the assessee stated that the said the assessee got married on 15/05/2015 and the cash deposited during the demonetisation period are from the 'cash gifts' received during the marriage ceremony and post marriage ceremony. The assessee also had furnished the marriage certificate before the lower authorities. The Ld.AR prayed for deleting the addition of Rs.5,45,000/- made U/s.69 of the Act as unexplained investment by allowing the appeal of the assessee.

6. Further, the Ld.AR relied on the decision of the Tribunal in the case of 2023 (7) TMI 1084 – ITAT Chennai - Karthik Natarajan Vs.DCIT, International taxation, Madurai, wherein the tribunal held as under :

"6. Before us, the Id.counsel for the assessee argued that a reasonable deduction on the basis of reasonable estimation should be made but he could not produce any sort of evidence to substantiate his claim either the names or their address or anything relating to gift received in cash. The assessee's marriage happened on 07.12.2015, which is an admitted fact and not denied by the Revenue. Even the deletion of Rs.30,00,000/- by the CIT(A) is not challenged by the Revenue in appeal before the Tribunal. Admittedly, this cash was deposited by assessee during demonetization period whereas the claim of assessee is that this was received as gifts in cash in marriage on 07.12.2015. There is no direct evidence available with the assessee to substantiate his claim but going through the customary system in Indian society, we agree with the observations of CIT(A) that no economic transaction can be divorced from the underlying social cultural factors. It is customary in Indian society and according to status one receives gifts in

marriage. Hence, we further want to estimate by looking into the fact that assessee might not have received cash gift of Rs.1,00,00,000/- and CIT(A) has already allowed relief of Rs.30,00,000/, we want to make a further estimate and delete the amount of Rs.20,00,000/- further. Thereby, the total deletion is i.e., deleted by CIT(A) of Rs.30,00,000/- plus deletion now by the Tribunal of Rs.20,00,000/-, aggregate comes to Rs.50,00,000/-. Hence, we sustain the balance of Rs.50,00,000/- as unexplained money u/s.69A of the Act. In term of the above, the first two grounds raised by the assessee are partly allowed as indicated above."

7. Per contra, the Id.DR relied on the orders of the lower authorities.

8. We have heard the rival contentions and gone through the orders of the lower authorities. The assessee has deposited Rs.5,45,000/- to her bank account during the demonetisation period. Further, she got married on 15/05/2015 and stated that the source for the deposit of cash was gifts received during the Marriage function from the relatives, friends and well wishers. Since, the amount of deposit made to bank account and the gift received by the assessee on occasion of the marriage is a reasonable and by following the decision of the tribunal relied by the assessee we are inclined to delete the addition of Rs.5,45,000/- made by the AO U/s.69 of the Act as unexplained by allowing the ground the appeal of the assessee.

9. In the result the appeal of the assessee is allowed.

Order pronounced in the Open court on 09th August, 2024 at Chennai.

Sd/-
(महावीर सिंह)
(MAHAVIR SINGH)
उपाध्यक्ष/Vice President

Sd/-
(एस. आर.रघुनाथा)
(S. R. RAGHUNATHA)
लेखासदस्य/Accountant Member

चेन्नई/Chennai,

दिनांक/Dated, the 09th August, 2024

JPV

आदेशकीप्रतिलिपिअग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT – Chennai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF