

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई  
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI  
श्री एसएस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।  
Before Shri S.S. Viswanethra Ravi, Judicial Member &  
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. No.1186/Chny/2024  
निर्धारण वर्ष/Assessment Years: 2017-18

KPSPL 76 Valarpuram PACCS Ltd.,  
Valarpuram Village & Post,  
Sriperumbedur Taluk,  
Kanchipuram 603 105.

Vs. The Income Tax Officer,  
Ward 1,  
Kancheepuram.

**[PAN: AABAK4915C]**

(अपीलार्थी/Appellant)	(प्रत्यर्थी/Respondent)
अपीलार्थी की ओर से / Appellant by	: Shri P.M. Kathir, Advocate & Shri B. Sakthivel, Advocate
प्रत्यर्थी की ओर से/Respondent by	: Ms. R. Anita, Addl. CIT
सुनवाई की तारीख/ Date of hearing	: 14.08.2024
घोषणा की तारीख /Date of Pronouncement	: 21.08.2024

**आदेश / O R D E R**

**PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:**

This appeal by the assessee is directed against the order dated 29.02.2024 passed by the Id. Commissioner of Income Tax, National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2017-18.

2. At the outset, we note that the Assessing Officer found cash deposits in the accounts of the assessee during demonetization period.

On perusal of the assessment order, we note that no compliance was made by the assessee in response to the notices issued by the Assessing Officer. Having no compliance, the Assessing Officer proceeded to complete the assessment under section 144 of the Income Tax Act, 1961 [“Act” in short], inter alia making addition on account of unexplained cash deposits at ₹.12,20,000/- under section 69A of the Act. Having aggrieved by the order of the Assessing Officer, the assessee preferred an appeal before the Id. CIT(A), but, however, for non-submission of documentary evidence in support of its claim, the Id. CIT(A) confirmed the order of the Assessing Officer.

4. Before us, the Id. AR Shri P.M. Kathir, Advocate, referring to the computation sheet attached to the assessment order, submits that the assessee filed proper reply and records such as books of account, cash book, etc. against the notice under section 142(1) of the Act and after scrutinization of books of accounts, the Assessing Officer accepted the claim of deduction of ₹.46,31,555/- under section 80P of the Act. He vehemently argued that despite furnishing details of date-wise, person-wise cash deposit, the Assessing Officer erred in making addition under section 69A of the Act.

5. The Id. DR Ms. R. Anita, Addl. CIT relied on the order of the Id. CIT(A).

6. After hearing both the parties, we note that the assessee is a co-operative society and no return of income filed for the year under consideration. The assessee filed return of income on 07.11.2019 in response to the notice by making a claim under section 80P of the Act. By filing copy of audit certificate, cash book during demonetization period, etc., the main contention of the Id. AR is that when the assessee filed various details such as books of account, cash book, etc. against the notice issued under section 142(1) of the Act and after considering the books of accounts, etc., the Assessing Officer accepted the claim of deduction under section 80P of the Act and concluded the assessment under section 144 of the Act is not correct without affording adequate opportunity of being heard in respect of addition under section 69A of the Act. He also submits that the assessee is ready to furnish all the details before the Assessing Officer if this Tribunal afford an opportunity to the assessee. We note that as per income computation based on the assessment order, the assessee was allowed deduction under section 80P of the Act, but, an amount of ₹.12,20,000/- was added under the head income from 'other sources'

under section 69A of the Act on account of unexplained money, which is clear from page 3 of the assessment order. Admittedly, as it was not disputed by the Id. DR that there was no opportunity for the assessee during the course of assessment proceeding in this respect and taking into account the undertaking as given by the Id. AR on behalf of the assessee for furnishing all details, in the interest of natural justice, we deem it proper to remit the matter back to the file of the Assessing Officer for fresh consideration. The assessee is at liberty to file evidences, if any, before the Assessing Officer. Thus, grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced on 21<sup>st</sup> August, 2024 at Chennai.

Sd/-  
(JAGADISH)  
ACCOUNTANT MEMBER

Sd/-  
(S.S. VISWANETHRA RAVI)  
JUDICIAL MEMBER

Chennai, Dated, 21.08.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.