

आयकर अपीलीय अधिकरण “सी” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“C” 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.1060/Chny/2024
(निर्धारण वर्ष / Assessment Year: 2017-18)

Mrs. Mohamed Kaaja Taj Sadiqa Flat No.1301, C Block, Taisha AIS Housing Complex, West Natesan Nagar, Virugambakkam, Chennai-600 092.	बनाम/ Vs.	ITO Non-Corporate Ward-19(4) Chennai.
स्थायी लेखासं./जी आइ आर सं./PAN/GIR No. AJNPT-7449-Q		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri Raghav Menon (Advocate)-Ld.AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Ms. R. Anita (Addl.CIT) -Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	26-08-2024
घोषणा की तारीख / Date of Pronouncement	:	04-09-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2017-18 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 23-09-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 20-12-2019. The registry has noted a delay of 149 days in the appeal, the condonation of which has been sought by Ld. AR on the strength of affidavit of the assessee

which is accompanied by the copy of passport of the assessee. It has been submitted that at the relevant point of time, the assessee was travelling abroad which led to delay in the appeal. Considering the same, we condone the delay and proceed for adjudication on merits.

2. The Ld. AO noted that the assessee deposited sum of Rs.6.50 Lacs in SBI Bank Account as well as another sum of Rs.5 Lacs in Central Bank of India account. The amounts were deposited during demonetization period and accordingly, the assessee was required to explain sources thereof. The assessee furnished cash book her proprietary concern M/s FRJ leathers for the period from 01-04-2011 to 31-03-2017. The opening cash as on 31-03-2011 was Rs.1.25 Lacs which increased to Rs.43.01 Lacs as on 01-04-2016 which substantial represent cash withdrawals from the bank. The Ld. AO held the same to be unacceptable and made addition of Rs.10 Lacs u/s 69 r.w.s. 115BBE. The mismatch in house property income for Rs.0.69 Lacs was also added to the income of the assessee.

3. The Ld. CIT(A) observed that cash book was not correctly prepared. The cash book was nothing but capital accumulation and increase of cash-in-hand. No drawings were shown and accordingly, the addition was confirmed. Aggrieved, the assessee is in further appeal before us.

4. Upon perusal of cash book as placed in the paper-book, it could be seen that the cash book is nothing but mere accumulation of cash withdrawals form the bank. There are very few deposits and withdrawals up-to 01-04-2016. The same would lead to a conclusion that the cash book has been prepared merely to suit the requirements of the assessee. Therefore, this document could not be relied upon to grant

relief to the assessee. Another fact is that the assessee is a regular tax filer and earned certain rental income etc. it was quite possible that the assessee was able to save some cash-in-hand out of these incomes earned in earlier years. Considering the same, we restrict the impugned addition to the extent of Rs.3 Lacs and delete the remaining addition. The addition of Rs.0.69 Lacs does not require our indulgence.

5. The appeal stands partly allowed.

Order pronounced on 4th September, 2024

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

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

चेन्नई Chennai; दिनांक Dated :04-09-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

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