

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

Before Shri Waseem Ahmed, Accountant Member and
Shri Soundararajan K., Judicial Member

ITA No. 16/Coch/2024
(Assessment Year: 2017-18)

Chemban Moideen Kutty Koyappanattil Super Bazar Parambil Peedika Velimukku Malappuram 676317 [PAN: BMWPM5617C]	vs.	Income Tax Officer – 3 Tariff Bazar, Town Hall Road Tirur 676101
(Appellant)		(Respondent)

Appellant by:	Shri V.P. Narayanan, Advocate
Respondent by:	Smt. Girly Albert, Sr. D.R.

Date of Hearing:	30.09.2024
Date of Pronouncement:	03.10.2024

ORDER

Per Bench

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi [CIT(A)] dated 10.11.2023 for Assessment Year (AY) 2017-18.

2. The only issue raised by the assessee is that the learned CIT(A) erred in confirming the addition of Rs. 28,73,500/- during the demonetization period representing the cash deposits in the bank.

3. The Assessing Officer (AO) during the assessment proceedings found that the assessee has deposited cash during demonetization period amounting to Rs. 31,63,000/- against opening cash balance as on 08.11.2016 of Rs.2,84,891/- only. As per the AO, the source of such cash deposit was not explained to the tune of Rs. 28,73,500/- and therefore the addition was made

as unexplained money u/s 69A of the Income Tax Act, 1961 (the Act) for Rs. 28,73,500/- to the total income of the assessee. On appeal, the learned CIT(A) also confirmed the order of the AO.

4. Being aggrieved by the order of the learned CIT(A) assessee is in appeal before us.

5. The learned AR before us filed a paper book running from pages 1 to 36 along with the argument note dated 30.09.2024. The learned A.R. drew our attention to pages 1 to 4 of the paper book wherein the affidavit of the party was placed who has collected money from the pilgrims on behalf of the assessee for their travelling and stay arrangements on various religious tours.

6. The learned A.R. further submitted that the impugned money has already been incorporated in the P&L Account as income and therefore any further addition will lead to double addition to the income of the assessee. The learned A.R. in support of his contention drawn our attention to page 10 of the order of the learned CIT(A). Accordingly, the learned A.R. submitted to restore the issue to the file of the AO for fresh adjudication in light of the affidavit filed by the assessee.

7. On the other hand, the learned Sr. DR raised no objection if the issue is set aside to the file of the AO for fresh adjudication as per the provisions of law.

8. We have heard the rival contentions of both the parties and perused the material available on record. At the threshold, we would like to draw our attention to the submission made by the assessee before the learned CIT(A) which is reproduced as under: -

“During the assessment proceedings, I have submitted my cash book. The said cash book was only reflected the cash in hand at my office. It was not reflected the cash collected by the above said AMEERs and laying in their hand. The said collections were accounted in my return, only when it was deposited to my bank accounts.

All these transactions were declared in my return of income as my turnover. (Copy of the statement of accounts are attached for your kind perusal and records.) The same was also uploaded in income tax portal during the time of assessments.”

9. Based on the above we hold that if the said receipt of money has already been accounted as income of the assessee, then any further addition u/s 69A of the Act of the same amount will lead to double addition which is not desirable under the provisions of law.

10. Besides the above, we also note that the learned A.R. has filed additional evidence in the form of affidavit and the petition placed on pages 1 to 4 of the paper book which requires to be verified at the level of the AO considering the above stated discussion. Accordingly, we set aside the issue to the file of the AO for fresh adjudication as per the provisions of law after considering the discussion stated above. Hence, the ground of appeal of the assessee is allowed for statistical purposes.

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

Order pronounced on 03rd October, 2024 under Rule 34 of The Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-
(Soundararajan K.)
Judicial Member

Sd/-
(Waseem Ahmed)
Accountant Member

Cochin, Dated: 03rd October, 2024

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin