

**IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, AHMEDABAD
BEFORE DR. BRR KUMAR ACCOUNTANT MEMBER**

**ITA No.950/Ahd/2024
Asstt.Year : 2017-18**

Rakeshkumar Gupta 07, Nirav Complex Nr.Navrang School Six Road Navrang Circle Naranpura Ahmedabad 380 013. PAN : BFVPG 5037 E	Vs	ITO, Ward-6(1)(1) Ahmedabad,.
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(Applicant)		(Responent)
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Assessee by :	Shri Bhavesh Shah, CA
Revenue by :	Shri Ravindra, Sr.DR

सुनवाई की तारीख / **Date of Hearing** : 07/10/2024

घोषणा की तारीख / **Date of Pronouncement**: 07/10/2024

आदेश/ORDER

This is assessee's appeal against the order of the ld.Commissioner of Income Tax (Appeal), National Faceless Appeal Centre (NFAC), Ludhiana dated 09.02.2024 for the Asst.Year 2017-18 passed under section 250 of the Income Tax Act, 1961 ("the Act" for short).

2. The only effective ground raised in the appeal is against the addition of Rs.17,38,700/- confirmed by the ld.CI(A) in respect of cash deposit in bank account.

3. The order with regard to the merits of the case of the case, the ld.CIT observed in the impugned order as under:

“(B). Merits of the case

As per the assessment order, during the assessment proceedings, to justify the cash deposits, the assessee had submitted only partial details. He had submitted only Name, address, PAN of the sundry creditors and had stated

that cash memo would be submitted soon. But, no such submission and details were made during the assessment proceedings before the Assessing officer nor during the appeal proceedings. Therefore, in this scenario, the source of the cash deposits worth Rs.17,38,700/ remained unexplained. Hence, the Assessing officer was correct in treating them as unexplained cash deposits and has assessed accordingly. Therefore, based the undersigned sees no reason to interfere with the order of the Ld. Assessing Officer.”

4. The assessee has submitted the paper book before the Tribunal, and argued that the cash deposits were duly explained. The Ld.Sr.DR argued that the since AO appears to have not given the opportunity to examine the details primarily, the matter should be remanded to the AO for fresh examination. Both the parties fairly submitted the matter needs to be reconsidered at the level of AO and hence is being remanded to the AO.

5. In the result, the appeal of the assessee is allowed for statistical purpose.

Dictated on the Open Court, typed and pronounced on 7th October, 2024.

Copy of this order be given to the assessee. The Registry is directed to dispatch as per procedure.

**Sd/-
(DR. BRR KUMAR)
ACCOUNTANT MEMBER**

Ahmedabad, dated 07/10/2024

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