

आयकर अपीलिय अधिकरण, हैदराबाद पीठ में
**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "SMC", HYDERABAD
BEFORE
SHRI K.NARASIMHA CHARY, JUDICIAL MEMBER**

आ.अपी.सं / ITA No.888/Hyd/2024
(निर्धारण वर्ष / Assessment Year: 2017-18)

Jagadesh Kanderi Hyderabad [PAN : AEOPK0220N]	Vs.	Income Tax Officer Ward-4(1) Hyderabad
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती द्वारा/Assessee by: Shri Sashank Dondu, AR
राजस्व द्वारा/Revenue by : Shri Aditi Goyal, DR

सुनवाई की तारीख/Date of hearing: 03/10/2024
घोषणा की तारीख/Pronouncement on: 14/10/2024

आदेश / ORDER

PER K. NARASIMHA CHARY, J.M:

Aggrieved by the order dated 08/07/2024 passed by the learned Commissioner of Income Tax (Appeals)-National Faceless Appeal Centre (NFAC), Delhi ("Learned CIT(A)"), in the case of Jagadesh Kanderi ("the assessee") for the assessment year 2017-18, assessee preferred this appeal.

2. Brief facts of the case are that the assessee is an individual, deriving income from house property and other sources. He filed return of income for the assessment year 2017-18 on 31/07/2017, declaring income of Rs.4,36,170/-. Learned Assessing Officer found cash deposit of Rs.20,00,000/- on 15/11/2016. Assessee explained that the cash withdrawn from Kotak Mahindra Bank on 09/09/2016 is included in this amount, apart from other agricultural income. Learned Assessing Officer did not consider this contention and added the entire amount of Rs.20,00,000/- to the income of the assessee.

3. When assessee preferred appeal, learned CIT(A) considered Rs.7.25 lakhs as properly explained and directed the learned Assessing Officer to delete the same. He further sustained the addition of Rs.12.75 lakhs by not believing the same, which according to the assessee represents agricultural income.

4. It is the contention of the learned Ld.AR that the parents of the assessee reside at the village looking after agricultural operations in the land possessed by the assessee and they are keeping the agricultural income of Rs.1.95 lakhs per year and this fact is evident from the income tax return filed by the assessee for the assessment years 2015-16 to 2017-18. Learned AR further pleaded that the total income of the assessee during the assessment year 2015-16 to 2017-18 is Rs.2,86,500/-, Rs.4,44,840/- and Rs.4,36,170/- respectively and therefore, the same may be considered towards explanation in respect of the balance of Rs.12.75 lakhs.

5. Learned LD.DR contended that both the authorities considered this contention of the assessee and negated the same holding that there is no evidence to prove the said fact.

6. I have gone through the record in the light of the submissions made on either side. Assessee claimed to have declared Rs.1.95 lakhs each for the assessment years 2015-16, 2016-17 and 2017-18 towards agricultural income in the return of income and there is no contradiction of the said fact. Version of the assessee is that in view of the health condition of his father, the said amount is left to the custody of his parents for using the same, whenever the need arises. It is the contention on behalf of the assessee that it is only because of the compulsion of demonetization, such an amount had to be deposited in bank, otherwise, such amount used to be with the parents of the assessee.

7. Assessee filed returns of income for the assessment year 2015-16, 2016-17 and 2017-18, declaring income of Rs.2,86,500/-, Rs.4,44,840/- and Rs.4,36,170/- respectively and this fact is also not contradicted. Considering all these facts and circumstances in totality, I deem it just and proper to

accept the sum of Rs.3,00,000/- for each year after taking into consideration, the amount necessary for the expenses of the assessee. On this score, out of the balance amount of Rs.12,75,000/-, sum of Rs.9,00,000/- is acceptable and the learned Assessing Officer is directed to delete the same. Balance amount of Rs.3,75,000/- is confirmed.

10. In the result, appeal of the assessee is partly allowed.

Order pronounced in the open court on this the 14th day of October, 2024.

Sd/-

(K. NARASIMHA CHARY)
JUDICIAL MEMBER

Hyderabad, Dated: 14/10/2024
L.Rama, SPS

Copy forwarded to:

1. Jagadesh Kanderi, F.No.602, JKM Avenue, Street No.8, Himayatnagar, Hyderabad
2. The ITO, Ward-4(1), Hyderabad
3. The Pr.CIT, Hyderabad
4. The DR, Hyderabad
5. Guard File

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