

आयकर अपीलीय अधिकरण, कोलकाता पीठ “एसएमसी”, कोलकाता
IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH: KOLKATA

कुमारी मधुमिता राय, न्यायिक सदस्य के समक्ष
[Before Ms. Madhumita Roy, Judicial Member]

I.T.A. No. 23/Kol/2024
Assessment Year: 2017-18

Atanu Kundu (PAN: CBMPK 3993 B)	Vs.	ITO, Ward-30(1), Kolkata
Appellant / (अपीलार्थी)		Respondent / प्रत्यर्थी

Date of Hearing / सुनवाई की तिथि	15.10.2024
Date of Pronouncement/ आदेश उद्घोषणा की तिथि	16.10.2024
For the Appellant/ निर्धारित की ओर से	Pinki Shaw, FCA
For the Respondent/ राजस्व की ओर से	Shri Pradip Kumar Biswas, Addl. CIT

ORDER / आदेश

This is an appeal preferred by the assessee against the order dated 21.11.2023 passed by the Ld. Commissioner of Income Tax (Appeals) – Addl/JCIT(A)-1, Coimbatore (hereinafter referred to as the “Ld. CIT(A)”) arising out of the order of assessment order dated 16.12.2019 passed by the AO under Section 143(3) of the Income Tax Act, 1961 [hereinafter referred to as the ‘Act’] for the AY 2017-18.

2. The matter relates to addition of Rs.8,56,500/- made under Section 68 of the Income Tax Act, 1961 (hereinafter referred to ‘the Act’) for Assessment Year 2017-18 on account of unexplained cash deposit during demonetization period.

3. At the time of hearing of the instant appeal the Learned counsel appearing for the assessee submitted before us that though the audited books of accounts was submitted before the authorities below the actual cash book was not duly filed and the case made out by the assessee was, therefore, not considered in its proper perspective by the authorities below and addition was made. In that view of the matter, she prayed for liberty to produce the said cash book before the Learned Assessing Officer for consideration of the same while deciding the issue afresh which has not been objected by the Learned DR with all his fairness.

4. We, thus, having regard to the above facts and circumstances of the matter, find it fit and proper to remit the issue to the file of the Learned AO to consider the same afresh taking into consideration the cash book to be filed by the assessee and any other evidence which the assessee may choose to file in support of the case made out. The Learned AO is further directed to grant an opportunity of being heard to the assessee while deciding the issue and to pass a reasoned order in accordance with law. The appeal preferred by the assessee is, thus, allowed for statistical purposes

5. In the result, assessee's appeal is allowed for statistical purposes.

Order is pronounced in the open court on 16th October, 2024

Sd/-

Madhumita Roy (मधुमिता राय)
Judicial Member/न्यायिक सदस्य

Dated: 16th October, 2024

SM, Sr. PS

Copy of the order forwarded to:

1. Appellant- Atanu Kundu, 35B, Bondel Road, Ballygaunge, Kolkata-700019.
2. Respondent – ITO, Ward-30(1), Kolkata
3. Ld. Ld. CIT(A)-Addl./JCIT(A)-1, Coimbatore
4. Ld. Pr. CIT- , Kolkata
5. DR, Kolkata Benches, Kolkata (sent through e-mail)

True Copy

By Order

Assistant Registrar
ITAT, Kolkata Benches, Kolkata