

आयकर अपीलीय अधिकरण, 'सी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH: CHENNAI

श्री महावीर सिंह, उपाध्यक्ष एवं श्री जगदीश, लेखासदस्य के समक्ष
BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT AND
SHRI JAGADISH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1833/Chny/2024
निर्धारण वर्ष /Assessment Year: 2017-18

Pachiyappan Selvan,
30/103, Santhai Pettai Road,
Near Broker Office,
Dharmapuri-636701
Tamil Nadu.
[PAN: EBGPS 8758J]

The Income Tax Officer,
Vs. Ward-1,
Dharmapuri.

(अपीलार्थी/**Appellant**)

(प्रत्यर्थी/**Respondent**)

अपीलार्थी की ओर से/ Appellant by

: Shri Prasanna Urala, Advocate
(Virtual)

प्रत्यर्थी की ओर से /Respondent by

: Ms. R. Anita, Addl. CIT

सुनवाई की तारीख/Date of Hearing

: 17.10.2024

घोषणा की तारीख /Date of Pronouncement

: 17.10.2024

आदेश / **ORDER**

PER JAGADISH, A.M :

Aforesaid appeal filed by the assessee is against the order of Learned Commissioner of Income Tax, Appeal, National Faceless Appeal Centre (NFAC), Delhi [hereinafter "CIT(A)"] dated 17.05.2024 confirming the addition of cash deposits made in SBN notes of Rs.10,52,500/- u/s. 69A of the Income-tax Act, 1961 (hereinafter "the Act").

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2. The AO has made addition of cash deposits of SBN notes during demonetization period from 09.11.2016 to 30.12.2016 in Vijaya Bank, Dharmapuri Bank account of Rs. 10,52,500/- u/s. 69A of the Act on the ground that the assessee has failed to explain the cash deposited on various dates from 10.11.2016 to 30.12.2016 . The Ld. CIT(A) has confirmed the addition stating that the assessee has not given any logical explanation.

3. The Ld. Authorized Representative (A.R) of the assessee before us has submitted that cash deposits were made out of the business receipt and are duly recorded in the books of accounts. The Ld. AR has submitted a copy of books of account in support of his contention.

4. The Ld. Departmental Representative (DR), on the other hand, has relied on the orders of lower authorities.

5. We have heard the rival submissions, and perused the materials available on record. A.O has made the addition applying the human probability test that the assessee should have deposited the cash on single day rather than in piece meal on various dates. The Ld CIT (A) has also confirmed the addition stating that assessee has not given

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any logical explanation. Assessee before us has explained that the cash deposit was out of regular business receipt and submitted copy of audited books of account and ledger accounts explaining the source of cash deposit. We are of the opinion that the matter should be restored back to the file of A.O to examine the books of accounts and decide the case on merit. We also direct the assessee to appear before the A.O on the date of hearing without fail. In view of the above, the appeal filed by the assessee is allowed for statistical purposes.

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

Order pronounced in the open Court on 17th October, 2024.

Sd/-
(महवीर सिंह)
(Mahavir Singh)

उपध्यक्ष / Vice President

Sd/-
(जगदीश)
(Jagadish)

लेखा सदस्य / Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 17th October, 2024.

EDN/-

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF