

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH “SMC”: NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 3096/DEL/2024
[Assessment Year: 2017-18]

VVAD Hospitality Pvt. Ltd., DE-82, Third Floor, Tagore garden, New Delhi-110027. PAN: AAFCV 4654 H	<u>Vs</u>	Income-tax Officer, Ward-26(4), Delhi.
APPELLANT		RESPONDENT
Appellant by	None	
Respondent by	Shri Yogesh Sharma, Sr. DR	
Date of hearing	06.11.2024	
Date of pronouncement	14.11.2024	

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee’s appeal for assessment year 2017-18 arises against DIN and order no. ITBA/NFAC/S/250/2024-25/1064423863(1), dated 29.04.2024, passed by the learned CIT(A)/National Faceless Appeal Centre (NFAC), Delhi, in appeal no. CIT(A), Delhi-9/10336/2019-20, in proceedings u/s 250 of the Income-tax Act, 1961. Case called twice. None appears at the assessee’s behest. It is

accordingly proceeded ex parte. in proceedings u/s 250 of the Income-tax Act, 1961.

2. Learned DR vehemently submits during the course of hearing that both the lower authorities have rightly made section 68 read with section 115BBE unexplained cash credit addition of Rs. 30.50 lakh on account of the fact that taxpayer herein had made cash deposits during the demonetization period followed by its failure to prove source thereof during the course of scrutiny.

3. It is noticed in this factual backdrop that the assessee herein is a company engaged in hospitality business as per the assessment discussion itself at para 6 page 10 of the assessment order dated 28.12.2019. I duly invited the Revenue's attention to the assessment findings, wherein it stands proved that this assessee has been running restaurant business and other allied activities wherein possibility of cash receipts could not be altogether ruled out. The fact also remains that it was bounden duty of the assessee only to plea and prove all the relevant facts by filing its cogent and supportive evidence. It is deemed appropriate in these peculiar facts and circumstances that a lump sum addition of Rs. 10,00,000/- (Ten Lakhs) only would be just and proper with a rider that instant estimation shall not be treated as a precedent in any other case or assessment year, as the case may be. The assessee

gets relief of Rs. 20.50 lakh in other words. Necessary computation shall follow as per law.

5. This assessee's appeal is partly allowed.

Order pronounced in open court on 14.11.2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI