

**IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH, AHMEDABAD**

BEFORE DR. B.R.R. KUMAR, VICE-PRESIDENT

I.T.A. No. 1159/Ahd/2024
(Assessment Year: 2017-18)

Manan Kiritbhai Shah, C/268, Bhavna Apartment, Vasna Barrage Road, Vasna, Ahmedabad-380007 PAN : DKPPS 0823 B	Vs.	Income-Tax Officer, Ward 5(2)(1), Ahmedabad
(Appellant)	..	(Respondent)

Appellant by :	None
Respondent by:	Ms. Neeju Gupta, Sr DR

Date of Hearing	26.11.2024
Date of Pronouncement	29.11.2024

ORDER

This appeal has been filed by the Assessee against the order passed by the Ld. Commissioner of Income-tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi (hereinafter referred to as "CIT(A)" for short), dated 22.03.2024 passed under Section 250 of the Income-tax Act, 1961 [hereinafter referred to as "the Act" for short], for Assessment Year (AY) 2017-18.

2. The solitary issue raised by the Assessee is as under:-

"The Ld CIT(A) has erred in law and on facts, while passing order u/s 250 of the Act dated 22.03.2024 for AY 2017-18 regarding cash deposits during demonetization period by treating the same as unexplained investment under Section 69A of the Income-tax Act, 1961."

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3. In this case, the assessment order has been passed by the ITO, Ward 5(2)(1), Ahmedabad on 17.12.2019 determining total income of Rs.19,63,683/- against the returned income of Rs.1,66,000/- on account of unexplained cash deposited in the bank accounts. The ld. CIT(A) deleted the addition of Rs.7,76,663/- as the amount pertains to some other person. With regard to the remaining amount of Rs.10,21,000/-, the assessee submitted that the amount of Rs.5,20,000/- in the Bank of Baroda and Rs.5,01,000/- in the SBI are out of personal savings of the family members consisting of father, mother, son, sister and niece. The ld. CIT(A) held that the assessee failed to furnish documentary evidences with regard the occupations of the family members and confirmed the addition. Having gone through the record before us and the family size consisting of mother, father and son who do not have any separate bank accounts, an amount of Rs.8 lakhs can be fairly considered as belonging to the family members as cash in hand. Hence, the Assessing Officer is hereby directed to accord the benefit of Rs.8 lakhs.

4. In the result, the appeal of the Assessee is partly allowed

The order is pronounced in the open Court on 29.11.2024

Sd/-

**(DR. B.R.R. KUMAR)
VICE-PRESIDENT**

Ahmedabad; Dated 29/11/2024

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आदेश की प्रतिलिपि ढ ग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

True Copy

उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad