

**IN THE INCOME TAX APPELLATE TRIBUNAL**

**"F" BENCH, MUMBAI**

**BEFORE SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

**SHRI SANDEEP SINGH KARHAIL, JUDICIAL MEMBER**

**ITA No.3263/MUM/2024**

**(Assessment Year : 2016-17)**

**ITO, Ward-28(3)(1),**

Room No.316, Tower No.6,

Vashi Railway Station,

Vashi – 400703

Maharashtra

..... Appellant

v/s

**Vinodrao Wamanrao More,**

Flat No. A201, President Park,

CHS, Plot No.77/77A, Sector-29,

Vashi – 400703

Maharashtra

PAN – AFDPM3681B

..... Respondent

Assessee by : None

Revenue by : Shri Dinesh A Chourasia, Sr.DR

Date of Hearing – 04/12/2024

Date of Order – 06/12/2024

**ORDER**

**PER SANDEEP SINGH KARHAIL, J.M.**

The Revenue has filed the present appeal against the impugned order dated 22/04/2024, passed under section 250 of the Income Tax Act, 1961 ("*the Act*") by the learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [*learned CIT(A)*], for the assessment year 2016-17.

2. In its appeal, the Revenue has raised the following grounds: -

*"(1) Whether on the facts and circumstances of the case and in law, the Ld. CIT(A) has erred in directing the A.O. to delete the addition of Rs.29,51,564/- made u/s. 68 of the Act without appreciating the fact that in the assessment*

*order the assessing officer has clearly brought the fact that the assessee had made cash deposit of Rs.29,51,564/- during the F.Y. 2015-16 and the assessee had failed to disclose the source of cash deposits.*

*(2) Whether on the facts and circumstances of the case and in law, the Ld. CIT(A) has erred in directing the A.O. to delete the addition of Rs.29,51,564/- made u/s. 68 of the Act without appreciating the fact that the assessee could not justify the reasons as to why the other persons had deposited some cash in his bank account.*

*(3) Whether on the facts and circumstances of the case and in law, the Ld. CIT(A) has erred in deleting the addition of Rs.23,85,000/- made u/s. 69 of the Act without appreciating the fact that the assessee has not filed loan confirmations establishing the creditworthiness of the loan givers and genuineness of the transactions whereas during the year under consideration the assessee has only salary income.*

*(4) Whether on the facts and circumstances of the case and in law, the Ld. CIT(A) has erred in deleting the addition of Rs.94,00,000/- holding that the same is included in the amount of Rs.99,16,700/- added u/s. 68 of the Act, without appreciating the fact that the assessee has failed to explain the source of investment in flat at Dhokali, Thane at Rs.94,00,000/- and corroborate the same with the amount of Rs.99,16,700/-.*

*(5) Whether on the facts and circumstances of the case and in law, the Ld. CIT(A) has erred in deleting the addition of Rs.94,00,000/- holding that the same is included in the amount of Rs.99,16,700/- added u/s. 68 of the Act, without appreciating the fact that the Ld. CIT(A) while deciding the grounds nos. 6 & 7 (i.e. grounds relating to the addition of 1,42,21,700/- which includes the amount of addition of Rs.99,16,700/-) of the extant appeal has himself found that the appellant is unable to submit any satisfactory written documents in support of its claim in course of assessment proceedings and in course of appeal proceedings.”*

3. At the outset, we find that in column 10 of Form No. 36 filed by the Revenue, the tax effect relating to the grounds of appeal raised by the Revenue is mentioned as Rs.50,98,851, which is below the monetary limit of Rs.60 lakh, applicable to appeals before the Tribunal, as per CBDT Circular no.9 of 2024, dated 17/09/2024. Therefore, in view of the aforesaid, Revenue's appeal deserves to be dismissed. However, the Revenue is granted the liberty to seek recall of this order if, at a later point in time, it is found that the appeal falls under any of the exceptions provided in the Circular referred to above.

4. In the result, the appeal by the Revenue is dismissed.

Order pronounced in the open Court on 06/12/2024

**Sd/-**

**AMARJIT SINGH  
ACCOUNTANT MEMBER**

**MUMBAI, DATED: 06/12/2024**

*prabhat*

**Sd/-**

**SANDEEP SINGH KARHAIL  
JUDICIAL MEMBER**

Copy of the order forwarded to:

- (1) *The Assessee;*
- (2) *The Revenue;*
- (3) *The PCIT / CIT (Judicial);*
- (4) *The DR, ITAT, Mumbai; and*
- (5) *Guard file.*

By Order

Assistant Registrar  
ITAT, Mumbai