

IN THE INCOME TAX APPELLATE TRIBUNAL  
AHMEDABAD "A" BENCH

**Before: Shri T.R. Senthil Kumar, Judicial Member And  
Shri Makarand Vasant Mahadeokar, Accountant Member**

**ITA No. 978/Ahd/2024  
Assessment Year 2017-18**

Keyur Rajeshbhai Agrawal A-11, Matrushakti Society Opp. Sales India, India Colony Road, Bapunagar, Ahmedbad-380023, Gujarat <b>PAN: BOYPA3966G (Appellant)</b>	Vs	Income Tax Officer Ward-5(3)(1), Ahmedabad  <b>(Respondent)</b>
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**Assessee Represented: None  
Revenue Represented: Shri B.P. Srivastava, Sr.D.R.**

Date of hearing : 05-12-2024  
Date of pronouncement : 09-12-2024

**आदेश/ORDER**

**PER : T.R. SENTHIL KUMAR, JUDICIAL MEMBER:-**

This appeal is filed by the Assessee as against the appellate order dated 05.04.2024 passed by the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi, (in short referred to as "CIT(A)"), arising out of the rectification order passed under section 154 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') relating to the Assessment Year 2017-18.

2. Today is the 8<sup>th</sup> time of hearing of this appeal. None appeared on behalf of the assessee in spite of service of notices to the assessee and no authorization given by the assessee to any Representative.

3. Brief facts of the case is that the assessee is an individual and engaged in distribution of Recharge coupons, Recharge vouchers and SIM Card of Airtel Ltd. For the Asst. Year 2017-18 assessee filed its Return of Income on 15-10-2017 showing total income of Rs.4,98,202/-. The return was taken for scrutiny assessment. Since there was huge cash deposit of Rs.1,58,04,250/- in the Savings Bank account with Kalupur Co-op. Bank Ltd., Bapunagar during the course of demonetization period. The assessee was asked to explain the source of cash deposit in the above bank account as well as asked to produce details and documents to substantiate the claim.

4. The assessee vide its reply dated 15-11-2019 submitted that the cash was deposited out of the daily collection received from recharge vouchers and other allied products namely sale of SIM Card and recharge coupons, etc. Thus the assessee was falling in the category exempt by the Press release dated 24-11-2016 and also offered detailed explanation along with the evidences. Without considering the above explanation offered by the assessee, the A.O. treated the cash deposit as unexplained cash credit and made addition of Rs.1,58,04,250/- by passing assessment order dated 26-12-2019 and demanded tax thereon. It is thereafter, the Assessing Officer found that he has not charged the unexplained credit taxable u/s. 115BBE thereby passed a rectification order dated 21-03-2023 raising additional demand of Rs.88,31,592/-.

5. Aggrieved against both the orders, assessee was in appeal before Ld. NFAC. The appellant's case was fixed for hearing on 09-06-2023, 12-12-2023 and 03-01-2024, however as there was no response from the assessee, thereby both the appeals filed by the assessee were dismissed exparte.

6. Perusal of the assessment order makes it clear, the entire cash deposit of Rs.1,58,04,250/- is added as the income of the assessee before considering the withdrawals or payments made by the assessee to Airtel Ltd. Further as claimed by the assessee, the Assessing Officer is silent about the Press release dated 24-11-2016 which exempt the sellers of SIM Card and recharge coupons in depositing cash during demonetization period. Therefore in the interest of Principle of Natural Justice, the order passed by the Lower Authorities are hereby set aside with a direction to give one more opportunity of hearing to the assessee and then pass assessment order in accordance with the law. Needless to say, the assessee should cooperate by filing all relevant materials, bank statements and Press release dated 24-11-2016 before the A.O. for fresh adjudication.

7. In the result, the appeal filed by the Assessee is allowed for statistical purpose.

Order pronounced in the open court on 09-12-2024

**Sd/-**  
**(MAKARAND V. MAHADEOKAR)**  
**ACCOUNTANT MEMBER**  
**Ahmedabad : Dated 09/12/2024**

**Sd/-**  
**(T.R. SENTHIL KUMAR)**  
**JUDICIAL MEMBER**

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण,  
अहमदाबाद