

आयकर अपीलीय अधिकरण , चण्डीगढ़ न्यायपीठ , चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL
‘SMC’ BENCH, CHANDIGARH

BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER

आयकर अपीलसं./I.T.A. No. 778/CHD/2023
निर्धारणवर्ष / Assessment Year : 2011-12

Mina, H.N. 852, Vill. Mathana, Teh. Thanesar, Kurukshetra, Haryana 136131	बनाम	Jurisdictional Income Tax Officer Ward-1, Kurukshetra
स्थायीलेखासं./PAN NO: BWDPM 8399G		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

(PHYSICAL HEARING)

निर्धारितीकी ओरसे/Assessee by : Shri. Parikshit Aggarwal, C.A.
राजस्वकी ओरसे/ Revenue by : Dr. Ranjeet Kaur, Sr. D.R.

सुनवाईकी तारीख/Date of Hearing : 12.11.2024
उदघोषणाकी तारीख/Date of Pronouncement : 14.11.2024

आदेश/Order

The present appeal has been preferred by the assessee against the order passed by the Id. Commissioner of Income Tax, Appeal National Faceless Appeal Centre (NFAC), Delhi dated 20.11.2023 for the Assessment Year: 2011-12. The assessee in this appeal is aggrieved by the action of the Id. CIT(A) in confirming the addition of Rs.3401400/- made by the Assessing Officer on account of unexplained cash deposit in Bank account of the assessee.

2. At the outset, the Id. counsel for the assessee has invited my attention to the impugned assessment order to submit that the same

is ex-parte/best judgment assessment order under Section 144 of the Income Tax Act.

3. The Ld. Counsel has further invited my attention to the impugned order of the ld. CIT(A) to submit that it was duly explained before the CIT(A) that the aforesaid amount of Rs.34 lacs was withdrawn immediately before the redeposit of the same in the bank account of the assessee. That the assessee had explained that the assessee wanted to apply for the allotment of petrol pump, however, since the said proposal did not mature due to the certain reasons, the amount was redeposited. The ld. counsel in this respect has brought my attention to page 7 of the paper book to show that amount of Rs.5 lacs was withdrawn by her husband Mr. Rajendra s/o Subhash Chandra from his bank account on 13.04.2010 which was deposited in the bank account of the assessee and further that an amount of Rs.2 lacs was received by her from her father in law Shri. Subhash Chandra on the same date, i.e. on 13.04.2010. Therefore, total Rs.7 lacs was deposited in her account on 15.04.2010. The ld. counsel has further demonstrated that the said amount was withdrawn and redeposited time and again in the Bank A/c of the assessee. Time gap between the deposits made and withdrawals is very small i.e. either on the same day or the next day. The ld. counsel in this respect has explained that the assessee

was advised to make frequent transaction in her bank account to be eligible to apply for allotment of petrol pump, however, the aforesaid advice given to the assessee was not found to be correct and the proposal to apply for the petrol pump was dropped. He has further explained that the bank statement coupled with cash flow statement duly explain the source of the deposits, withdrawals and redeposits.

4. The Id. DR, however, has contended that the assessee has not explained the source of deposit in the Bank A/c of her husband to the extent of Rs.5 lacs and in the Bank A/c of her father in law to the extent of Rs.2 lacs. She has also contended that the assessee has failed to explain the transactions of frequent cash deposits and withdrawals.

5. I have heard and considered the rival contentions. A perusal of the statement of Bank account as well as the cash flow statement of the assessee reveals that the assessee has duly explained the source of deposit and also explained that the same amount was withdrawn and redeposited time and again in the Bank A/c of the assessee out of some wrong advice to do frequent transaction of withdrawals and deposits in her Bank A/c. The small amount of Rs.5 lacs was received from her husband and the further small amount of Rs. 2

lacs from her father in law, which has been duly been demonstrated by furnishing the copies of the Bank A/c statement and the cash flow statement. The entire transaction of cash withdrawal and deposits has been explained. In view of this, I do not find any justification on the part of the lower authorities in making the impugned addition and the same is accordingly ordered to be deleted.

6. In the result, the appeal of the assessee stands allowed.

Order pronounced in the open court on 14.11.2024.

Sd/-
(SANJAY GARG)
Judicial Member

Dated : 14 .11.2024

“GP/Sr.PS.”

आदेशकीप्रतिलिपिअग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त/ CIT
4. विभागीयप्रतिनिधि, आयकरअपीलीयआधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
5. गार्डफाईल/ Guard File

आदेशानुसार/ By order,
सहायकपंजीकार/ Assistant Registrar