

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

BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER

आयकर अपील सं./I.T.A. No.716/CHD/2023

निर्धारण वर्ष / Assessment Year : 2017-18

Karam Chand Chauhan, 1, Jharag Vill. Baral, Rohru Shimla, Himachal Pradesh 171207	बनाम	Income Tax Officer, Rampur Bushahr
स्थायी लेखा सं./PAN NO: AJNPC4551E		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

(PHYSICAL HEARING)

निर्धारिती की ओर से/Assessee by : Shri. Parikshit Aggarwal, C.A.

राजस्व की ओर से/ Revenue by : Shri. Vivek Vardhan, J.C.I.T

सुनवाई की तारीख/Date of Hearing : 13.11.2024

उद्घोषणा की तारीख/Date of Pronouncement : 04.12.2024

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 18.10.2023 [hereinafter referred to as the "Ld. CIT(A)"] for the Assessment Year: 2017-18. The sole issue in this appeal is relating to addition made by the Assessing Officer (hereinafter referred to as the "AO") on account of unexplained cash deposits of Rs.23,67,000/- in to the Bank A/c of the assessee.

2. At the outset, the ld. counsel for the assessee has submitted that there is a calculation mistake on the part of the Assessing Officer in arriving out at the figure of Rs. 23.67 whereas, actual figure of the deposits in the Bank a/c was Rs. 20.67 lacs. The ld. counsel has further invited my attention to the opening lines of the assessment order to submit that the assessee in the return of income had offered a taxable income of Rs.75,216/- and also declared an agricultural income of Rs.25,85,223/-.

3. The ld. counsel has further submitted that the aforesaid agricultural income was kept at home. However, due to demonetization declared by the Government, the same was deposited in the bank account. The ld. counsel has further referred to the earlier transaction of the bank account to submit that this was not the only year in which such amount was deposited. He has demonstrated that even in assessment year 2015-16, the total cash deposits of the assessee were amounting to Rs.65 lacs. He therefore, has submitted that the aforesaid cash deposits were out of the savings of the earlier years and the agricultural income for the year under consideration.

4. The ld. DR could not rebut the aforesaid contention of the ld. Counsel for the assessee, therefore, 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.

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

Order pronounced on 04.12.2024.

Sd/-
(SANJAY GARG)
Judicial Member

Dated :04.12.2024

“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