

**IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD “B” BENCH, AHMEDABAD**

**BEFORE DR. BRR KUMAR, VICE PRESIDENT &
Ms. SUCHITRA KAMBLE, JUDICIAL MEMBER**

**ITA No.1607/Ahd/2024
Assessment Year: 2017-18**

Prabhudas Chhitabhai Patel, AT – Charola, Post – Bodeli, Taluka – Sankheda, Dist – Chhotaudepur – 391 135. [PAN – ALQPP 5387 C] (Appellant)	Vs.	The Deputy Commissioner of Income Tax, Circle – 3(1), Vadodara (Respondent)
Assessee by	None	
Revenue by	Smt. Mamta Singh, Sr. DR (Adjournment Application filed)	
Date of Hearing	21.11.2024	
Date of Pronouncement	19.12.2024	

ORDER

PER SUCHITRA KAMBLE, JUDICIAL MEMBER:

This appeal is filed by the Assessee against order dated 16.07.2024 passed by the CIT(A), National Faceless Appal Centre (NFAC), Delhi for the Assessment Year 2017-18.

2. The assessee has raised the following ground of appeal :-

“1. Under the facts and the circumstances of the case Ld. CIT appeal has erred in rejecting the rectification application wherein request was made that submissions made prior to date of hearing is not considered instated wrongly observed no submissions are made.”

3. The return of income declaring total income at Rs.15,01,630/- was filed by the assessee on 31.10.2017 which was processed under Section 143(1) of the Income Tax Act, 1961. The case was selected for scrutiny in “complete scrutiny” category and

notice under Section 143(2) of the Act was issued on 09.08.2018. The assessee furnished relevant details/particulars in respect of notice under Section 142(1) of the Act. The assessee is proprietor of Petrol Pump with Franchise of Reliance Petroleum Limited. The Assessing Officer observed that the assessee has deposited large amount of cash during the demonetisation period. The assessee was asked to provide specific details such as stock register, purchase register, cash book etc., details regarding the storage capacity of petrol and diesel at his Petrol Pump. The assessee has provided details of cash deposited during the demonetization period. After perusing bank account statement of the assessee, the Assessing Officer observed that the assessee deposited Rs.54,05,000/- as old demonetised Rs.500/- currency and Rs.18,90,000/- of old demonetised Rs.1000/- currency i.e. the assessee has deposited amount of Rs.72,95,000/- during the said period. After issuing show cause notice dated 18.12.2019 and taking into consideration the submissions of the assessee the Assessing Officer held that the assessee failed to offer explanation regarding the amount of Rs.72,95,000/- made in other bank account during demonetization period and thus made addition under Section 68 (read with Section 115BBE) of the Act as unexplained cash credit. Thereafter, the assessee has filed rectification application on 17.10.2023 which was disposed of vide order dated 16.07.2024.

4. Being aggrieved by the Order under Section 143(3) of the Act dated 23.12.2019 (Assessment Order) the assessee filed appeal before the CIT(A). The CIT(A) dismissed the appeal of the assessee.

5. The assessee has not appeared when the matter was called. Therefore, we are proceeding on the basis of the details mentioned in the Assessment Order and the order of the CIT(A).

6. The adjournment application filed by the Ld. DR is rejected. The Ld. DR relied upon the Assessment Order and the order of the CIT(A).

7. We have heard the Ld. D.R. and perused all the relevant material available on record. From the perusal of the records, it is found that the Assessing Officer as well

as the CIT(A) has not taken into account the details filed by the assessee relating to the cash deposit during the demonetisation period. Therefore, it will be appropriate to remand this matter to the file of the Assessing Officer for proper verification of the evidences filed by the assessee and decide the issue as per the provisions of Income Tax Act, after issuing a notice to the assessee.

8. In the result, appeal of the assessee is partly allowed for statistical purpose.

Order pronounced in the open Court on this 19th December, 2024.

Sd/-
(DR. BRR KUMAR)
Vice President

Sd/-
(SUCHITRA KAMBLE)
Judicial Member

Ahmedabad, the 19th December, 2024

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Copies to: (1) *The appellant*
(2) *The respondent*
(3) *CIT*
(4) *CIT(A)*
(5) *Departmental Representative*
(6) *Guard File*

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By order

Assistant Registrar
Income Tax Appellate Tribunal
Ahmedabad benches, Ahmedabad