

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC' NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 3601/Del/2024
Assessment Year: 2017-18

Mr. Anil Kumar Agarwal, Khasra no. 541/542, Aya Nagar, Opp. Metro Pillar no. 185, Near Arjungarh Metro Station, M.G. Road, Delhi-110030.	<u>Vs</u>	Income Tax Officer, Ward-29(7), New Delhi.
PAN: AAAPA 1678 G		
APPELLANT		RESPONDENT
Assessee represented by	None	
Department represented by	Shri Siddharth B.S. Meena, Sr. DR	
Date of hearing	16.12.2024	
Date of pronouncement	16.12.2024	

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee's appeal for assessment year 2017-18 arises against National Faceless Appeal Centre (NFAC), Delhi's DIN and order no. ITBA/NFAC/S/250/2024-25/1066048435(1), dated 26.08.2024, in case no. CIT(A), Delhi-10/11023/2019-20, in proceedings u/s 143(3) of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Cases called twice. None appears at the assessee's behest. He is accordingly proceeded ex parte.

2. Learned DR vehemently argued during the course of hearing that both the lower authorities have rightly made section 68 read with section 115BBE addition herein of Rs. 16,29,191/- representing cash deposits made during demonetization in assessee's hands.

3. Faced with this situation, it emerges from perusal of the case file that this assessee is admittedly engaged in trading of sanitary goods items wherein he had filed all his cash sales' details right from October, 2016. The fact, however, remains that all other particulars thereof including cash flow statement etc. neither appears to have been submitted nor considered by the lower authorities in their respective orders.

4. It is in this peculiar factual backdrop as the learned lower authorities could not find any specific defect in corresponding evidence filed in the course of assessment that I deem it appropriate, in the larger interest of justice, to restrict the impugned addition of Rs. 16,29,191/- to a lump sum amount of Rs. 1,29,191/- only with a rider that the same shall not be treated as a precedent. The assessee gets

relief of Rs. 15,00,000/- in other words. Necessary computation shall follow as per law. Ordered accordingly

5. This assessee's appeal is partly allowed in above terms.

Order pronounced in open court on 16.12.2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI