



IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCHES “SMC”, PUNE

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.1644/PUN/2024

निर्धारण वर्ष / Assessment Year : 2017-18

MS Omkar Urban Multistate Cooperative Credit Society Limited, Shelke House, Shivaji Nagar, Mhada Colony, Jalna-431203 Maharashtra PAN : AAAAO4238K	Vs.	ITO, Ward-1, Jalna
Appellant		Respondent

Assessee by	:	Shri Hari Krishan
Revenue by	:	Shri Sourabh Nayak
Date of hearing	:	18.12.2024
Date of pronouncement	:	23.12.2024

आदेश / ORDER

PER DR. MANISH BORAD, ACCOUNTANT MEMBER :

This appeal filed by the assessee pertaining to the assessment year 2017-18 is directed against the order dated 10.06.2024 passed by the National Faceless Appeal Centre, Delhi u/s.250 of the Income Tax Act, 1961 [in short “the Act”] which in turn is arising out of Assessment order passed u/s.144 of the Act dated 27.12.2019.



2. Facts of the case in brief are that the assessee is a Multistate Cooperative Society and is engaged in the business of providing credit facilities to its members. Based on the information that the assessee society made cash deposit of Rs.12,61,000/- during the demonetization period notice u/s.142(1) was issued to the assessee requiring him to file the return of income. In response to notices u/s.142(1) of the Act, the assessee submitted the requisite details. On examination of the bank statements, details of the members who have deposited cash, statements recorded u/s.131 of the Act, etc. the AO came to conclusion that cash of Rs.17,39,936/- remains unsubstantiated, thereby made addition of the said sum as unexplained cash credits u/s.68 of the Act and also invoked the provisions of section 115BBE of the Act. AO also made addition of Rs.82,078/- shown as profit to the total income of the assessee.

3. Assessee challenged the assessment order before the ld.CIT(A)/NFAC but remained unsuccessful. Now the assessee is in appeal before the Tribunal.

4. At the outset, Ld. Counsel for the assessee submitted that ld. AO has passed the assessment u/s.144 of the Act



based on the statement of members recorded u/s.131 of the Act but the assessee was not provided any opportunity of cross examination. The assessee was not given the copy of directions u/s.144A of the Act. He therefore prayed that necessary opportunity may be granted to the assessee for substantiating the source of alleged cash deposits before the Jurisdictional Assessing Officer.

5. Ld. Departmental Representative vehemently argued support the orders of the authorities below.

6. I have heard both the sides and perused the record placed before us. It is an admitted position that the Assessing Officer passed the assessment u/s.144 of the Act. It is contention of the ld. Counsel for the assessee that assessee was neither confronted with the statements u/s.131 of the Act which are used to decide against the assessee nor provided the opportunity of cross examination and also the copy of directions given u/s.144A of the Act not provided to assessee. Considering the facts and circumstances and in the interest of justice and the submissions made on behalf of the assessee, I deem it proper to set-aside the impugned order to the file of



Jurisdictional Assessing Officer for *denovo* adjudication considering our observation in the above lines and also affording reasonable opportunities and decide in accordance with law. Effective grounds of appeal raised by the assessee are allowed for statistical purposes.

7. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced on this 23rd day of December, 2024.

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 23rd December, 2024.
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच,
पुणे / DR, ITAT, "SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.