

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI (SMC) BENCH, NEW DELHI**

**BEFORESHRI SATBEER SINGH GODARA, JUDICIAL MEMBER**

ITA No.574/Del/2024  
Assessment Year: 2012-13

Sushil Kumar Jain, Auto Aids, Bhaiwani Road, Jind, Haryana	<b>Vs.</b>	Income-tax Officer, Jind.
<b>PAN : ABCPJ2725J</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Sh. R.R. Singla, C.A.
Department by	Sh. Sahil Kumar Bansal, Sr. DR

Date of hearing	23.12.2024
Date of pronouncement	23.12.2024

**ORDER**

This assessee's appeal for assessment year 2012-13, arises against the Commissioner of Income Tax (Appeals)-National Faceless Appeal Centre [in short, the "CIT(A)-NFAC"], Delhi's DIN and order no. ITBA/NFAC/S/250/2023-24/1059339362(1) dated 03.01.2024 involving proceedings under section 143(3) r.w.s. 147 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. Heard both the parties at length. Case file perused.
3. Coming to the assessee's sole substantive grievance challenging the correctness of both the learned lower authorities' action treating an amount of Rs.37.50 lakhs as unexplained, it

emerges during the course of hearing that learned Assessing Officer himself had set into motion section 148/147 proceedings on the ground that he in fact received the said amount as an advance for sale of plot and also executed an agreement dated 16.03.2012 to this effect forming part of the case file.

4. It is in this factual backdrop that the tribunal is of the considered view that once the learned Assessing Officer has itself identified the source of the impugned unexplained cash credit as attributable to corresponding sale agreement, the same could not have been treated as unexplained as it would annul the reopening reasons itself recorded herein. That being the case, I see no reason to sustain the impugned addition. The same is directed to be deleted in very terms.

5. This assessee's appeal is allowed.

*Order pronounced in the open court on 23<sup>rd</sup> December, 2024*

**Sd/-**  
**(SATBEER SINGH GODARA)**  
**JUDICIAL MEMBER**

Dated: 23 December, 2024.

\*aks/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi