

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI
Before Sh. Satbeer Singh Godara, Judicial Member**

**ITA No. 3739/Del/2024
(Assessment Year: 2017-18)**

Ajab Singh, G-228, Delta II, Gautam Budh Nagar, Uttar Pradesh-201308 (Appellant)	Vs. CIT(Appeals), NFAC, Delhi
PAN: BRZPS0092R	(Respondent)

Assessee by : Shri Mahesh Aggarwal, CA
Shri Anurag Aggarwal, CA

Revenue by: Shri Sahil Kumar Bansal, Sr. DR

Date of Hearing 24/12/2024
Date of pronouncement 24/12/2024

ORDER

1. This assessee's appeal for Assessment Year 2017-18, arises against the order of CIT(A)/NFAC, Delhi dated 25.06.2024 in case No. ITBA/NFAC/S/250/2024-25/1065995160(1), in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").
2. Heard both parties at length. Case files perused.
3. Coming straightway to the assessee's sole substantive grievance raised herein seeking to delete Section 69/ 69A unexplained investment addition of Rs. 14 lakhs made by the learned lower authorities in his hands, it emerges at the outset that he had in fact withdrawn cash of Rs. 15 lakhs from his bank account on 05.05.2016 and therefore, the only inference which arises herein is that the same prima facie represents his cash withdrawal only.
4. The fact remains that the assessee has not even filed cash flow statement justifying the entire cash deposits of Rs. 14 lakhs and

therefore, it is deemed appropriate in the larger interest of justice to restrict the impugned addition of Rs. 14 lakh to Rs. 1 lakhs only with a rider that instant estimation shall not be treated as a precedent in any other case or assessment year, as the case may be. The assessee gets relief of Rs. 13 lakh in other words.

5. There is next involve equally question of assessee's assessment u/s 115BBE as well. Case law M. I. L. E. Microfinance Ltd. Vs. ACIT WP(MD) No. 2078/2020 dated 19.11.2024 has settled the issue that same applies w.e.f. 01.04.2017 onwards than in the impugned assessment year 2017-18. The assessee is therefore, directed to be assessed under the normal provisions of law in very terms.

5.1 No other grounds has been pressed.

6. This assessee's appeal is partly allowed.

Order pronounced in the open court on 24/12/2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 24/12/2024
A K Keot

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi