

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

**ITA No. 1645/Del/2024
(Assessment Year: 2011-12)**

Sunil Taneja Associates, B-50, LGF, South Extension-II, New Delhi (Appellant) PAN:AAZFS1152L	Vs. ITO, Ward-63 (3), New Delhi (Respondent)
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Assessee by :	Shri Shantanu Jain, Adv
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 2011-12, arises against the order of CIT(A)/NFAC, Delhi dated 14.02.2024 in case No. ITBA/NFAC/S/250/2023-24/1060898156(1) in proceedings u/s 147 r.w.s. 144 of the Income Tax Act, 1961 (in short "The Act").
2. Heard both parties at length. Case files perused.
3. The assessee's sole substantive grievance pleaded herein seek to delete the impugned addition of Rs. 10.85 lakhs made in both the lower proceedings as unexplained cash credits. It has filed the concerned bank's certificate dated 23.12.2024 that the same in facts represents cash deposits made by eponymous proprietary concern of Mr. Ritesh Jain than the appellant herein who happens to be a partnership firm.
4. The Revenue's case on the other hand is that the assessee's foregoing details are not admissible as evidence since find at this belated stage. It could hardly dispute the clinching fact that the assessee's foregoing bank statement in fact goes to the root of the

matter since it carrying a vital bearing on outcome of the impugned addition. I, therefore, deem it appropriate in the larger interest of justice to restore the assessee's the instant sole substantive grievance back to Assessing Officer for his afresh adjudication and verification within three effective opportunities subject to a rider that taxpayer shall plead and prove the case at it's own risk and responsibility, in consequential proceedings. Ordered accordingly.

5. This assessee's appeal is allowed for statistical purpose in above terms.

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