

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 3791/Del/2024 : Asstt. Year: 2011-12

Sarvesh Kumar Kaushik, H. No. 156, Village Ellahabas, Post Office NSEZ, Sector-86, Gautam Budh Nagar, Uttar Pradesh-201305 (APPELLANT)	Vs	Income Tax Officer, Ward-3(3), Noida (RESPONDENT)
PAN No. AOEPK0173L		

**Assessee by : Sh. Vishwanath Sharma, CA
Revenue by : Sh. Sahil Kumar Bansal, Sr. DR**

Date of Hearing: 26.12.2024	Date of Pronouncement: 26.12.2024
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ORDER

This assessee's appeal for Assessment Year 2011-12, arises against the order of CIT(A)/NFAC, Delhi dated 28.06.2024 in DIN & order No. ITBA/NFAC/S/250/2024-25/1066201684(1), in proceedings u/s 147 r.w.s. 144 of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. Coming straightway to sole substantive issue between the parties challenging correctness of the learned lower appellate authorities action treating the assessee's cash deposits of Rs.12,58,000/- as unexplained learned counsel has invited the undersigned's attention to his detailed paper book running into 133 pages indicating him to have owned and transferred agricultural land in past followed by cash receipts in the relevant previous year as well a combined cash flow chart that

multiple withdrawals entries followed by re-deposits of varying sums.

4. It is in the light of these clinching facts emerging from the case file that the tribunal of the considered view that the learned lower authorities could not have added the assessee's entire cash deposits as unexplained. The facts also remains that the he has not able to satisfactorily prove the source of his cash as attributable to his entire earlier cash withdrawals. Be that as it may, it is deemed appropriate in these peculiar facts that a lump sum addition of Rs.2,58,000/- only be just and proper with a rider that the same shall not be as a precedent. The assessee gets relief of Rs. 10,00,000/- in other words. Necessary computation shall follow as per law.

5. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 26/12/2024.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 26/12/2024

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR