

आयकर अपीलिय अधिकरण, 'ए' न्यायपीठ, चेन्नई  
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI  
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष ।  
Before Shri S.S. Viswanethra Ravi, Judicial Member &  
Shri Manoj Kumar Aggarwal, Accountant Member

आयकर अपील सं./I.T.A. No.2567/Chny/2024  
निर्धारण वर्ष/Assessment Year: 2017-18

Krishnan Ravindran,  
33,, Perumal Koil Street,  
Azhinchikuppam, Pudumanai,  
Vellore 635 805.

Vs. Income Tax Officer,  
Ward 2,  
Tiruvannamalai.

**[PAN:BEJPR9982J]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri V. Gunasekaran, ITP  
प्रत्यर्थी की ओर से/Respondent by : Shri R. Raghupathy, Addl. CIT  
सुनवाई की तारीख/ Date of hearing : 17.12.2024  
घोषणा की तारीख /Date of Pronouncement : 31.12.2024

**आदेश / O R D E R**

**PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:**

This appeal by the assessee is directed against the order dated 20.12.2023 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2017-18.

2. At the outset, we note that the Assessing Officer found the assessee deposited cash of ₹.15,64,630/- during demonetization period. According to the Assessing Officer, the assessee's bank statements

reflected total credits of ₹.45,39,422/- in the impugned year, since the assessee was a non-filer of income tax return and did not explain the source of cash with supporting evidence, the Assessing Officer treated the credits as unexplained money under section 69A and taxed under section 115BGBE of the Income Tax Act, 1961 ["Act" in short]. We find that the Id. CIT(A) confirmed the order of the Id. CIT(A).

3. The Id. AR Shri V. Gunasekaran, ITP challenged the exparte order passed by the Assessing Officer as well as the Id. CIT(A). He submits that the assessee is a mobile sim recharger as such the accommodated collection for client was deposited into bank account and then credited to the company. He further submits that for argument sake, the Assessing Officer cannot charge entire amount to tax without considering profit element. The Id. AR prayed to afford an opportunity to the assessee as the assessee is ready to prosecute his case before the Assessing Officer without fail.

4. The Id. DR Shri R. Raghupathy, Addl. CIT opposed the same and drew our attention to para 5 of the impugned order and argues that the Id. CIT(A) has provided adequate opportunities to make submissions in support of the appeal.

5. Heard both the parties and perused the material on record. We note that the assessment was completed under section 144 of the Act dated 09.10.2019 and brought to tax entire cash deposits under section 69A of the Act, undoubtedly, there was no assistance from the assessee. We find force in the contention of the Id. AR that charging entire amount to tax without considering profit element is not correct, in our opinion, cannot be ignored. Taking into consideration of the submissions of the Id. AR and the Id. DR and in the interest of justice, we deem it proper to remand the matter to the file of the Assessing Officer for fresh consideration. The assessee is at liberty to file evidences, if any, to substantiate his case before the Assessing Officer. Thus, grounds raised by the assessee are allowed for statistical purposes.

6. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 31<sup>st</sup> December, 2024 at Chennai.

Sd/-  
(MANOJ KUMAR AGGARWAL)  
ACCOUNTANT MEMBER

Sd/-  
(S.S. VISWANETHRA RAVI)  
JUDICIAL MEMBER

Chennai, Dated, 31.12.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.