

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

**Before Sh. Satbeer Singh Godara, Judicial Member**

**ITA No. 756/Del/2024 : Asstt. Year: 2017-18**

Hakam Fluid Power Pvt. Ltd., 269, Phatak Karor, Ajmeri Gate, New Delhi-110006 (APPELLANT)	Vs	Income Tax Officer, Ward-11(1), New Delhi-110002 (RESPONDENT)
<b>PAN No. AAACH0437R</b>		

**Assessee by : Sh. K. Sampath, Adv. &  
Sh. V. Rajkumar, Adv.**

**Revenue by : Sh. Sanjay Kumar, Sr. DR**

**Date of Hearing: 06.01.2025**

**Date of Pronouncement: 06.01.2025**

**ORDER**

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2023-24/1060310505(1) dated 31.01.2024, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.

3. It emerges during the course of hearing with the able assistance coming from both the parties that the learned lower authorities herein have assessed the assessee's cash deposits of Rs.22,46,000/- made during demonetization, @ 60% resulting in addition of Rs.11,20,000/-, u/s 68 r.w.s. 115BBE of the Act.

4. Learned counsel has invited the undersigned attention to the assessee's audited book results discussed in the assessment order itself at page 4 onwards wherein it is stated to be engaged in predominantly cash receipt's business of "Pneumatic" and related trading activities and therefore, the source of this cash deposits is attributed to the cash sales only.

5. I have given my thoughtful consideration to the assessee's foregoing vehement arguments and Revenue's contention in support of the impugned addition. I find no reason to accept either parties stand in entirety. This is for the precise reason that neither the assessee has been able to file even it's cash flow statement indicating the source of cash deposits nor the department could simply brush aside all the relevant evidence at one go. Be that as it may, the tribunal is of the considered view in these peculiar facts that a lump sum addition of Rs.1,20,000/- only would 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.

6. So far as the assessee's assessment u/s 115BBE is concerned, case law SMILE Microfinance Ltd. Vs. ACIT, W.P.

(MD) No. 2078 of 2020 & 1742 of 2020 dated 19.11.2024 (Mad.) has settled the issue against the department that the impugned statutory provisions would come into effect on the transaction done on or after 01.04.2017.

7. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 06/01/2025.

Sd/-

**(Satbeer Singh Godara)**  
**Judicial Member**

**Dated: 06/01/2025**

\*Subodh Kumar, Sr. PS\*

Copy forwarded to:

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

**ASSISTANT REGISTRAR**