

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 3927/Del/2024 : Asstt. Year: 2017-18

Lalit Kapoor, H. No. 736-B/18, Street No. 6, Jhajjar Road, Rohtak, Haryana-124001	Vs	CIT(A), Rohtak, Haryana-124001
(APPELLANT)		(RESPONDENT)
PAN No. AKUPK2597E		

**Assessee by : Sh. Parikshit Aggarwal, CA
Revenue by : Sh. Sanjay Kumar, Sr. DR**

Date of Hearing: 07.01.2025

Date of Pronouncement: 07.01.2025

ORDER

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2024-25/1066062855(1) dated 26.06.2024, 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 added the assessee's cash deposits of Rs.18,96,000/- made during demonetization, as unexplained u/s 69A r.w.s. 115BBE of the Act.

4. It is in this factual backdrop that the assessee *inter alia* submits during the course of hearing that he has a family of parents & wife and kids and apart from the latter category of youngsters, all are either pensioners or have their separate sources of income. It is further clarified that the assessee's parents are themselves pensioners and his salary is almost of Rs.30,00,000/- per annum. He seeks to buttress the point that none of the family member bank accounts have witnessed any cash deposits in the relevant previous year.

5. The Revenue's case on the other hand is that it was the assessee's bounden duty only to discharge the onus to proving the source of the impugned cash deposits and therefore, the same deserve to be upheld in entirety.

6. I have given my thoughtful consideration to the foregoing and rival stand and see no reason to uphold the impugned addition in entirety. This is for the precise reason that although the assessee has *prima facie* sought to prove the source of his cash to his family's accumulated past savings and regular earnings hands (including pensioners), his case has not been satisfactorily proved the source of the impugned cash deposits and therefore, it is deemed appropriate in the larger interest of

justice to uphold the impugned addition of Rs.18,96,000/- to a lump sum amount of Rs.2,50,000/- only that the same shall not be as a precedent. Necessary computation shall follow as per law.

7. So far as the assessee's assessment u/s 115BBE is concerned, hon'ble Madras high court in SMILE Microfinance Ltd. Vs. ACIT, W.P. (MD) No. 2078 of 2020 & 1742 of 2020 dated 19.11.2024 (Mad.) has already settled the issue against the department that the law applies to the transaction on or after 01.04.2017 only.

8. This assessee's appeal is partly allowed in above terms.
Order Pronounced in the Open Court on 07/01/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 07/01/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR