

**IN THE INCOME TAX APPELLATE TRIBUNAL
DEHRADUN BENCH, DEHRADUN**

**Before Sh. Satbeer Singh Godara, Judicial Member
&
Sh. Naveen Chandra, Accountant Member**

ITA No. 63/DDN/2019 : Asstt. Year : 2014-15

Ravinder Jain HUF through Ravinder Jain, Jain Bandhu Clothiers, 79, Paltan Bazar, Dehradun-248001 (APPELLANT)	Vs	Income Tax Officer, Ward-2(2), Dehradun-248001 (RESPONDENT)
PAN No. AAMHR4700A		

Assessee by: None

Revenue by: Sh. Amar Pal Singh, Sr. DR

Date of Hearing: 07.01.2025	Date of Pronouncement: 22.01.2025
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ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for Assessment Year 2014-15, arises against the order of CIT(A), Dehradun dated 26.04.2019, in case No. 10712/CIT(A)/DDN/2016-17, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Case called twice. None appears at the assessee's behest. It is accordingly proceeded *ex-parte*.

3. The assessee's instant appeal raises the following substantive grounds:

"1. The learned CIT (Appeals) has erred in considering the amount of sale proceeds already credited to the Profit & Loss Account as unexplained credit and adding the same to the income of the appellant as unexplained credit u/s 69.

2. The learned CIT (Appeals) has relied on the addition accepted by the appellant for the assessment

year 2013-14 while disposing the appeal for the A Y 2014-15, ignoring the fact that the doctrine of estoppels does not hold good in successive assessments

3 The learned CIT (Appeals) ignored the fact that the all the cash deposits were verified by the AO from the cash book during the assessment proceedings and the sales as per sales register was also counter verified from the sales register and therefore there was no cash deposit that was unexplained."

4. We advert to the basic relevant facts. The assessee HUF is admittedly engaged in wholesale business of clothes etc. even as per the learned Assessing Officer's assessment discussion dated 20.12.2016 in para 3 thereof. It is further an undisputed fact that the assessee/HUF had deposited cash of Rs.34,62,000/- in the relevant previous year. Both the learned lower authorities have added the same as it's unexplained cash credits u/s 68 of the Act. Learned CIT(A) more particularly has gone by the assessee's alleged admission/concession made in the preceding assessment year 2013-14 declaring cash deposits as unexplained to hold that the Assessing Officer's findings to this effect deserve to be upheld by adopting judicial consistency.

5. Learned departmental representative has drawn strong support from both the lower authorities respective findings invoking u/s 68 unexplained cash credits addition in the assessee's hands.

6. We have given our thoughtful consideration to the assessee's pleadings and Revenue's vehement foregoing

submissions. We are of the considered view that neither party's stand deserve to be accepted in entirety. This is for the precise reason that neither the assessee has been able to plead and prove all the relevant facts explaining source of its cash deposits as on account of cash sales in wholesale clothes business activity nor the department could rebut the clinching fact that be it the preceding assessment year or that in question before us, the corresponding benefit of the assessee having disposed of its stock etc. in cash above couldn't be altogether ruled out. We accordingly are of the considered view that a lump sum addition of Rs.5,00,000/- only in the given facts and circumstances of the case would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs.29,62,000/- in other words. Necessary computation shall follow as per law.

7. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 22/01/2025.

Sd/-

(Naveen Chandra)
Accountant Member

Dated: 22/01/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

Appellant

1. Respondent

2. CIT

3. CIT(Appeals)

4. DR: ITAT

Sd/-

(Satbeer Singh Godara)
Judicial Member

ASSISTANT REGISTRAR