

**IN THE INCOME TAX APPELLATE TRIBUNAL
“DB” BENCH, AGRA**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 69/Agr./2019
(Assessment Year 2009-10)**

Neeraj Jain 112, Jadhav Colony Main Road, Bahopapur Gwalior – 474012	Vs.	ITO, Tech Gwalior Aayakar Bhawan City, Centre, Gwalior MP 474011
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: AEGPJ8657N		
Appellant	..	Respondent

Appellant by :	Sh. Rajendra Sharma, Adv
Respondent by :	Sh. Shailender Shrivastava, Sr. DR

Date of Hearing	10.02.2025
Date of Pronouncement	10.02.2025

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This assessee's appeal for assessment year 2009-10 arises against Commissioner of Income Tax (Appeals), [in short, the "CIT(A)"] Gwalior's order dated 11.01.2019, in case No. CIT(A)Gwl/10343/2017-18, involving proceedings under Section 143(3) r.w.s. 147 of the Income Tax Act, 1961, [hereinafter referred to as 'the Act'].

2. Heard both the parties at length. Case file perused.
3. It emerges during the course of hearing that both the learned lower authorities has treated the assessee's cash deposit of Rs.12.29lacs as

unexplained u/s 69A of the Act, in the course of assessment framed on 22.12.2017 and upheld in the lower appellate proceedings.

4. Both the learned representative reiterate the respective stands against the support of the impugned addition. The assessee's case all along has been that although he is a salaried employee who is also engaged in trading business, and therefore, the impugned addition represents his cash deposits from the said regular business activities only.

5. The Revenue's contention on the other hand is that the assessee has not been able to substantiate the foregoing explanation by filing cogent supporting evidence.

6. Be that as it may, the fact remains that the assessee or his family having accumulated past savings could not be altogether ruled out keeping in view their socio-economic status. We thus deem it proper that a lump sum addition of Rs.6 lacs only would be just and proper with a rider that the same shall not be treated as precedent. The assessee gets relief of Rs.6.29 lacs 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 10.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 10.02.2025

PS: Rohit