

**IN THE INCOME TAX APPELLATE TRIBUNAL
“DB” BENCH, AGRA
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 375/Agr./2024
(Assessment Year 2017-18)**

Mrs. Priya W/o Mr. Manoj Kumar 195/01, Prem Nagar, Dak Bangla, Firozabad 283203	Vs.	Income Tax Officer 2(2)(3) Income tax Department Dabarai, Firozabad 283203
/□□□□□□□□□□./PAN/GIR No: AOQPP5233E		
Appellant	..	Respondent

Appellant by :	None
Respondent by :	Sh. Shalendra Shrivastava, Sr. DR

Date of Hearing	12.02.2025
Date of Pronouncement	12.02.2025

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This assessee's appeal for assessment year 2017-18 arises against Commissioner of Income Tax(Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"] Delhi's DIN and Order No. ITBA/NFAC/S/250/2024-25/1066791374(1) dated 18.07.2024, involving proceedings u/s 144 of the Income-tax Act, 1961, [hereinafter referred to as the 'Act'].

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

3. Learned departmental representative vehemently argued during the course of hearing that both the lower authorities have rightly assessed the assessee's cash deposit of Rs.12.05 lacs during demonetization as unexplained u/s 69A r.w.s. 115BBE of the Act. He could hardly rebut the fact that the assessee has been already subjected to Gross Profit rate of 6% as well.

4. That being the case which the assessee is already engaged in her regular business activities, we are of the considered view that the cash deposits herein of Rs.12.05 lacs also deserve to be assessed at the same rate @ 6%. Ordered accordingly. Necessary computation shall follow as per law.

5. So far as the assessee's assessment u/s 115BBE we quote S.M.I.L.E Microfinance Limited Vs. The ACIT CC-1 in W.P.(MD) No.2078 of 2020 & W.M.P. (MD) No. 1742 of 2020 has held that the said provision applied for transactions done on or after 01.04.2017 only. The assessee is accordingly directed to be assessed under normal provision.

6. This assessee's appeal is partly allowed.

Order pronounced in the open court on 12.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 12.02.2025

PS: Rohit/Subodh, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR