

**THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, DELHI**

BEFORE MS. MADHUMITA ROY, JUDICIAL MEMBER

**ITA Nos.4927/D/2023
(Assessment Years: 2012-13)**

Vishnu Bhagwan, 226, Rajapur, Post Rajpur At Rajapur Ghaziabad	Vs.	ITO Ward-2 (2) (5) Ghaziabad
स्थायीलेखासं./जीआइआरसं/PAN/GIR No: PAN No.ALEPV8491K		
Appellant	..	Respondent

Appellant by :	None
Respondent by :	Sh. Sanjay, Sr. DR

Date of Hearing	11.03.2025
Date of Pronouncement	21.03.2025

ORDER

The instant appeal filed by the assessee is directed against the order dated 21.09.2024 passed by the National Faceless Appeal Centre (hereinafter referred as “NFAC”) arising out of the order dated 11.11.2019 passed by the Assessing Officer (hereinafter referred as “AO”) for A.Y. 2012-13.

2. None appeared on behalf of the assessee. It appears from the record that previously the assessee never appeared whenever the appeal was fixed for hearing. Hence, I have proceeded to decide the matter exparte.

3. The assessee, an individual, made cash deposit of Rs.39,86,500/- in the savings bank account maintained with PNB, Shastri Nagar, Ghaziabad. The case was reopened u/s. 147 of the Act and since the source of cash deposit was failed to be substantiated by the assessee, the same was added to the income of the assessee by the Ld. AO under Section 144 of the Act.

4. Before the First Appellate Authority the assessee submitted to this effect that he sold agricultural land at a price of Rs.50 lacs; Rs.25 lacs in two each occasions were received which were duly deposited in the savings bank account. In support of the same the pass book and copy of affidavit were submitted before the ld. CIT(A). As the registered sale deed was not furnished by the assessee being the documentary proof of land transfer and the receipt of sale consideration in support of the contention made by the assessee, the explanation was found to be not acceptable and addition was, therefore, confirmed with the following observations :-

“5.1 DECISION:- I have carefully considered the submissions made by the appellant and examined the facts on record. Upon a thorough examination of the facts, evidence, and arguments presented in this appeal, it becomes evident that the primary issue at hand concerns the cash deposits totaling Rs.39,86,500/- made by the appellant in his Punjab National Bank account during the Financial Year 2011-12, relevant to the Assessment Year 2012-13. The appellant claims these deposits represent the proceeds from the sale of agricultural land. However, after careful consideration of the appellant's submissions and the assessment order, I find that the

appellant has failed to provide sufficient and credible evidence to substantiate this claim. The appellant has primarily relied on an affidavit dated 11/08/2011, wherein it is stated that he received Rs.25,00,000/- on 11/08/2011 and an additional Rs.25,00,000/- on 10/01/2012 as part of a sale transaction for agricultural land. However, it is a well-established principle in tax law that an affidavit, being a self-serving document, does not constitute conclusive proof of a transaction unless corroborated by independent, verifiable evidence. In the absence of a registered sale deed, the claim that the cash deposits represent sale proceeds cannot be substantiated. A registered sale deed, which serves as irrefutable documentary proof of land transfer and the receipt of sale consideration, has not been furnished by the appellant. This fundamental document is essential to corroborate the appellant's claim, particularly in the context of substantial cash deposits being made in his bank account. Furthermore, the pattern of deposits into the appellant's bank account does not conclusively align with the claimed sale of agricultural land. The appellant deposited varying amounts on different dates, and the structure of these deposits does not reflect lump sums corresponding to the alleged sale receipts. This inconsistency casts further doubt on the appellant's explanation of the source of funds. The appellant has also contended that he did not receive the notice issued under Section 148 of the Act for the reopening of the assessment. However, the records clearly show that the assessment was initiated after following due process, and the notice was duly issued and served upon the appellant. Further, during appellate proceeding, the appellant was given sufficient opportunities to substantiate his claim.

Given the absence of credible evidence to support the appellant's claim, the addition made by the AO, treating the cash deposits of Rs.39,86,500/- as unexplained income, is justified. The appellant has failed to discharge the onus of proving the source of these funds, and the affidavit submitted by the appellant, without any supporting documentary evidence such as a registered sale deed, does not suffice to substantiate the claim. The legal precedents clearly establish that unsupported claims of cash receipts, especially involving significant sums, cannot be accepted without corroborative evidence, In the absence of a valid sale deed or other concrete evidence to support the claim, the appellant's explanation for the cash deposits remains unsubstantiated. Therefore, the addition made by the AO treating the cash deposits are unexplained income is upheld. Accordingly, all the grounds filed by the appellant are hereby dismissed.”

5. The reason assigned by the CIT(A) as already discussed hereinabove is found to be just and proper so as not to warrant interference particularly in the absence of any assistance rendered by the assessee before us.

6. In the result, the appeal of the assessee is dismissed.

Order pronounced in the open court on 21.03.2025.

Sd/-
(MADHUMITA ROY)
JUDICIAL MEMBER

Date:- 21.03.2025
Copy forwarded to: