

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

**Before Sh. Satbeer Singh Godara, Judicial Member
&**

Sh. M. Balaganesh, Accountant Member

ITA No. 25/Agr./2023 : Asstt. Year: 2012-13

Chandra Shekhar Bhadouriya, Vill. Bichhiya, Post-Oden-Padriya, Kotwali, Mainpuri, U.P.-205001 (APPELLANT)	Vs	Income Tax Officer, Ward-2(4), Mainpuri, U.P.-205001 (RESPONDENT)
PAN No. ADIPB1013B		

Assessee by : Sh. Pankaj Garg, Adv.

Revenue by : Sh. Shailener Shrivastava, Sr. DR

Date of Hearing: 05.02.2025

Date of Pronouncement: 05.02.2025

ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for Assessment Year 2012-13, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2022-23/1047941422(1) dated 12.12.2022, in proceedings u/s 147 r.w.s. 144 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 that the assessee is aggrieved against both the learned lower authorities' action setting into motion section 148/147 proceedings against him culminating in the assessment order dated 25.11.2019 *inter alia*

treating his cash deposits of Rs.20,07,354/- going by "peak" balance and further applying section 44AD for treating his business sales of Rs.35,95,000/-, coming to Rs.2,87,600/-, respectively.

4. It is in this factual backdrop that the assessee fairly concedes his legal ground challenging validity of the impugned reopening. So far as correctness of both the foregoing addition on merits is concerned, we are of the considered view that there could be hardly any fault found with the latter impugned addition once section 44AD has been invoked for the purpose of assessing the assessee's turnover @8% (supra). We further conclude that once the learned lower authorities have themselves have assessed the assessee at the above presumptive rate, the necessary inference which would arise is that these cash deposits have been derived from the business very activity only. We thus direct the learned Assessing Officer to assess the assessee's impugned "peak" credit balance of Rs.20,07,354/- @ 8% in very terms. Necessary computation shall follow as per law.

5. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 05/02/2025.

Sd/-
(M. Balaganesh)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 05/02/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR