

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

**Before Sh. Satbeer Singh Godara, Judicial Member  
&  
Sh. M. Balaganesh, Accountant Member**

**ITA No. 58/DDN/2024 : Asstt. Year : 2017-18**

Sh. Baldev Raj Virmani and Sons HUF 21, Kalidas Road, Dehradun-248001 (APPELLANT)	Vs	DCIT, Circle-1(1)(1), Dehradun-248001 (RESPONDENT)
<b>PAN No. AAEHB9491C</b>		

**Assessee by: None**

**Revenue by: Sh. A. S. Rana, Sr. DR**

<b>Date of Hearing: 17.03.2025</b>	<b>Date of Pronouncement: 23.04.2025</b>
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**ORDER**

**Per Satbeer Singh Godara, Judicial Member:**

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2023-24/1063366437(1) dated 26.03.2024, 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 Revenue's vehemently argues during the course of hearing that both the learned lower authorities have rightly added the assessee's cash deposits of Rs.44,50,000/- during demonetization, as unexplained u/s 69A r.w.s. 115BBE of the

Act on account of it's failure to explain the source thereof duly supported by cogent evidence.

4. We however note during the course of hearing as per CIT(A)/NFAC's detailed discussion in paragraphs 6 to 7 that the assessee had been having sufficient cash balance right from 31.03.2011 onwards upto 31.03.2016 wherein the latter figure came to Rs.98,59,172/-, in it's books which have nowhere been rejected by the learned lower authorities. The facts also remains that apart from filing the above particulars, the assessee has not submitted the corresponding reconciliation of it's cash balance vis-à-vis cash deposits forming subject matter of adjudication.

5. Be that as it may, we are of the considered view in the given facts and circumstances that a lump sum addition of Rs.1,00,000/- only would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs.43,50,000/- in other words. Necessary computation shall follow as per law.

6. So far as assessee's jurisdiction under Section 115BBE is concerned, 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 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 provisions only.

7. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 23/04/2025.

Sd/-

Sd/-

**(M. Balaganesh)**  
**Accountant Member**

**(Satbeer Singh Godara)**  
**Judicial Member**

**Dated: 23/04/2025**

\*Subodh Kumar, Sr. PS\*

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Appellant

1. Respondent

2. CIT

3. CIT(Appeals)

4. DR: ITAT

**ASSISTANT REGISTRAR**