

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

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

ITA No.3/DDN/2025 : Asstt. Year : 2017-18

Kunal Enterprises, 52/4, Rajpur Road, Dehradun-248001 (APPELLANT)	Vs	Income Tax Officer, Ward-1(1)(5), Dehradun-248001 (RESPONDENT)
PAN No. AAQFM2690G		

Assessee by: Sh. S. K. Matta, CA

Revenue by: Sh. S. K. Chaterjee, CIT-DR

Date of Hearing: 17.03.2025	Date of Pronouncement: 23.04.2025
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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/250/2024-25/1065718635(1) dated 18.06.2024, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.

3. Next comes the sole substantive issue between the parties wherein the assessee is aggrieved against the learned lower authorities' action treating its cash deposits during demonetization amounting to Rs.48,88,000/-, as unexplained u/s 68 r.w.s. 115BBE of the Act.

4. Faced with this situation, our attention is drawn to the case records wherein the assessee appears to have withdrawn cash amounts to Rs.35,00,000/- on 20.10.2016, Rs.5,00,000/- on 27.10.2016 and Rs.10,00,000/- on 02.11.2016; followed by re-deposits on four instances involving varying sums on 21.11.2016, 22.11.2016, 26.12.2016 and 30.12.2016, respectively. The necessary presumption which would arise in such a factual backdrop is that the above cash withdrawn *prima facie* forms source of the cash re-deposited forming subject matter of adjudication herein. The fact however remains the assessee has not satisfactorily discharged it's onus by filing the cogent supportive evidence for the purpose of reconciling the above figures. Be that as it may, we are of the considered view in these peculiar facts and circumstances of the case 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 as a precedent. The assessee gets relief of Rs.47,88,000/- in other words. Necessary computation shall follow as per law.

5. 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.

6. 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