

IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, AGRA

**BEFORE HON’BLE SHRI SATBEER SINGH GODARA, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

आयकरअपीलसं./ ITA No. 111/Agr/2024
(निर्धारणवर्ष / Assessment Year:2012-13)

Sh. Anil Kumar Gautam Pragati Puram, Sadabad Hathras (UP).	बनाम/ Vs.	Income-tax Officer Ward 3(5), Hathras.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AUZPK-1859-Q		
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	S/Sh. Gagan Baghel &Bijendra Baghel, Adv.- Ld. ARs
प्रत्यर्थीकीओरसे/Respondent by	:	Sh. Shailender Shrivastava – Ld. Sr. DR

सुनवाईकीतारीख/Date of Hearing	:	20-02-2025
घोषणाकीतारीख /Date of Pronouncement	:	22.04.2025

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2012-13 arises out of an order passed by learned Commissioner of Income Tax (Appeals), NFAC, Delhi [CIT(A)] on 25-01-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] on *best judgment* basis u/s. 144 r.w.s. 147 of the Act on 28-11-2019. In the assessment order, Ld. AO made addition of cash deposit for Rs.20.45 Lacs out of total deposits of Rs.32.45 Lacs though the assessee submitted that he sold his agricultural land or Rs.16 Lacs which was sourced to make these deposits. The Ld. CIT(A) confirmed the assessment against which the assessee is in further appeal before us. The registry has noted delay of 5 days in the appeal which stand condoned.

2. The Ld. AR has stated that the assessee is having sufficient agricultural land holdings out of which the assessee has earned agricultural income. The Ld. AR also stated that the assessee obtained PNB Krishi Card Loan for Rs.2.15 Lacs and transferred an amount of Rs.3 Lacs from his GPF Account. Some of the cash deposits are stated to be made on behalf of his parents. To support the same, our attention has been drawn to various documents as placed in the paper book. After going through the same, we conclude that the assessee is able to explain the sources of cash deposit to a certain extent. With a view to settle the litigation, we confirm lump sum addition of Rs.3 Lacs and delete the remaining addition as made by lower authorities. This income would be subjected to normal rate of tax in terms of decision of Hon'ble High Court of Madras (Madurai Bench) in **S.M.I.L.E. Microfinance Ltd. vs. ACIT (WP (MD) No.2078 of 2020 dated 19-11-2024)** holding that the revenue is empowered to impose 60% rate of tax for the transactions from 01.04.2017 onwards and not prior to the said cut-off date. Therefore, the addition so made would be subjected to normal rate of tax only. The Ld. AO is directed to re-compute the income of the assessee.

3. The appeal stand partly allowed.

Order pronounced u/r 34(4) of Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-

(SATBEER SINGH GODARA)

न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-

(MANOJ KUMAR AGGARWAL)

लेखा सदस्य / ACCOUNTANT MEMBER

Dated: 22.04.2025

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AGRA