

**IN THE INCOME TAX APPELLATE TRIBUNAL  
“DB” BENCH, AGRA**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &  
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 126/Agr/2022  
(Assessment Year 2017-18)**

Sunil Kumar Yadav, 1018, Shambhoo Nagar, Shikohabad, Uttar Pradesh -283200	Vs.	Income Tax Officer, Aaykar Bhawan, Dabarai, Firozabad Uttar Pradesh-283200
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: AESPY1390K		
Appellant	..	Respondent

Appellant by :	None
Respondent by :	Sh. Shailender Shrivastava, Sr. DR

Date of Hearing	10.02.2025
Date of Pronouncement	10.02.2025

**ORDER**

**PER SATBEER SINGH GODARA, JUDICIAL MEMBER:**

This assessee's appeal for assessment year 2017-18, arises against Commissioner of Income Tax(Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's DIN & Order No. ITBA/NFAC/S/250/2022-23/1043082605(1), dated 19.05.2022, involving proceedings under Section 144 of the Income-tax Act, 1961, (hereinafter referred to as the 'Act').

2. Case called twice. None appears at the assessee's behest. He is accordingly proceeded ex-parte.

3. It emerges during the course of hearing with the able assistance coming from the Revenue side that assessee had in fact made cash deposits during the demonetization period totaling to Rs.6,34,17,251/-in the relevant previous year wherein both the learned lower authorities have assessed pre-demonetization deposits @ 8% and those made during demonetization as stand treated as unexplained under section 69A r.w.s. 115BBE of the Act.

4. Learned departmental representative vehemently argues in support of both the lower authorities respective findings that impugned addition of cash deposits during demonetization herein deserves to be upheld. That being the case, we are of the considered view that the learned lower authorities impugned action distinguishing pre and during demonetization, is not sustainable in law. We thus direct the learned Assessing Officer to assess the assessee's entire deposits in the relevant previous year, at a uniform rate of 8% followed by the necessary computation. Ordered accordingly. Not to be treated as a precedent.

4. So far as the assessee's assessment under Section 115BBE is concerned, we quote the hon'ble Madras high court's decision in the case of 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. We direct the Learned Assessing Officer to assess the assessee's income herein under normal provisions in very terms.

5. This assessee's appeal is partly allowed.

Order pronounced in the open court on 10.02.2025

Sd/-  
(Manoj Kumar Aggarwal)  
ACCOUNTANT MEMBER

Sd/-  
(Satbeer Singh Godara )  
JUDICIAL MEMBER

Dated 10.02.2025

PS: Rohit/Subodh, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR

ITAT AGRA