

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI**

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 952/Del/2025 : Asstt. Year : 2017-18

Sh. Shakir Hussain, House No. 96, Second Floor, Block A-4, Paschim Vihar, New Delhi-110063 (APPELLANT)	Vs	Income Tax Officer, Ward-44(8), New Delhi-110002 (RESPONDENT)
PAN No. ABOPH1264Q		

Assessee by: None

Revenue by : Sh. Yogeshwar Sharma, Sr. DR

Date of Hearing: 13.05.2025

Date of Pronouncement: 13.05.2025

ORDER

This assessee's appeal for Assessment Year 2017-18, arises against the Addl./JCIT(A), Mysore's DIN & order No. ITBA/APL/S/250/2024-25/1071107800(1) dated 11.12.2024, 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. He is accordingly proceeded *ex-parte*.

3. Learned Sr. DR, Sh. Sharma vehemently argues during the course of hearing that both the lower authorities have rightly added the assessee's credit card payments in cash of Rs.4,93,500/- during demonetization, as unexplained u/s 69A

r.w.s. 115BBE of the Act, in the course of assessment framed on 15.11.2019 and upheld in the lower appellate discussion.

4. I have given my thoughtful consideration to the assessee's pleadings all along and the Revenue's vehement arguments supporting the impugned addition. I find no reason to sustain either parties stand in entirety. This is for the precise reason that the assessee all along has not been able to satisfactorily explain the source of his impugned cash deposit by filing cogent supportive evidence not the department could justify stand of treating only those payments which were made during demonetization as unexplained, forming subject matter of adjudication. Be that as it may, the assessee's past savings etc. is such an instance could also altogether ruled out. Be that as it may, it is deemed appropriate in these peculiar facts 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.3,93,500/- in other words.

5. So far as assessee's assessment 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. Necessary computation shall follow as per law.

6. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 13/05/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 13/05/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR