

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 1534/Del/2025 : Asstt. Year : 2012-13

Pankaj Tyagi, Offc. No. 104, First Floor, Durga Chamber, RDC, Rajnagar, Uttar Pradesh-201002 (APPELLANT)	Vs	Income Tax Officer, Ward-2(2)(1), Ghaziabad, Uttar Pradesh (RESPONDENT)
PAN No. BCHPT4947H		

**Assessee by: Ms. Harshita, Adv.
Revenue by : Sh. Manoj Kumar, Sr. DR**

Date of Hearing: 29.05.2025	Date of Pronouncement: 29.05.2025
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ORDER

This assessee's appeal for Assessment Year 2012-13, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2023-24/1056040634(1) dated 13.09.2023, in proceedings u/s 143(3) r.w.s. 147 of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. Learned counsel representing assessee makes it clear at the outset that she is only pressing his sole substantive ground challenging both the learned lower authorities' action treating his cash deposit of Rs.31,32,000/- as unexplained, in the course of assessment framed on 18.11.2019 and upheld in the lower appellate discussion.

4. Learned counsel has invited tribunal's attention to pages 17 to 74 in the assessee's paper book indicating his father to have executed various sales in the relevant previous year. The assessee inference in such a situation; as per Smt. Malini Ramnath Rele vs. ITO (1994) 49 ITD 43(MUM) (TM), which would arise is that the impugned cash deposits *prima facie* the cash component in the above sale deeds. That being the case, the facts also remains that the assessee has not filed specific reconciliation of the impugned cash deposits vis-à-vis cash component alleged in the above sale deed. It is thus deemed appropriate in the larger interest of justice that a lump sum addition of Rs.1,32,000/- 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.30,00,000/- in other words. So far as the accumulated interest income derived from the above deposits of Rs.30,014/- is concerned, the same is held has duly explained in light of the above detailed discussion. Necessary computation shall follow as per law.

5. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 29/05/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 29/05/2025

Subodh Kumar, Sr. PS