

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 1328/Del/2025 : Asstt. Year : 2017-18

Narender Khetwani, 26, Gadaipur Mehrauli, M. G. Road Mehrauli, New Delhi-110030 (APPELLANT)	Vs	Income Tax Officer, Ward-29(6), New Delhi-110030 (RESPONDENT)
PAN No. AATPK4735D		

**Assessee by: Sh. Rohan Sogani, CA
Revenue by : Sh. Manoj Kumar, Sr. DR**

Date of Hearing: 01.07.2025	Date of Pronouncement: 01.07.2025
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ORDER

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2024-25/1071997153(1) dated 08.01.2025, 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. A perusal of the instant case file reveals at the outset that both the learned authorities have treated the assessee's cash deposits during demonetization amounting to Rs.44,65,500/-; as unexplained u/s 69A r.w.s. 115BBE of the Act, in the assessment order dated 24.12.2019 and upheld in the lower appellate discussion.

4. It is in this factual backdrop that the assessee through his learned counsel vehemently argues that both the lower authorities herein have erred in law and on facts in treating the above cash deposits as unexplained despite the fact that he is a senior citizen who has been assessed all along for his regular business activities in Khopra Oil and allied products as well as cash rental income from house property and past accumulated family savings. The assessee could hardly dispute that he has not been able to explain his case before the learned lower authorities all along by way of filing the relevant cogent evidence. The fact however remains that the department could neither dispute the assessee's above business activities nor the fact that he has been owning the corresponding house property as well in principle. Be that as it may, it is thus deemed appropriate in the larger interest of justice and without commenting merits of the case that a lump sum addition of Rs.14,65,500/- would be just and proper to take care of all the assessee's nexus including his case with a rider that the same shall not be treated as a precedent. Ordered accordingly. The assessee gets relief of Rs.30,00,000/- in other words. Necessary computation shall follow as per law.

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. 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 01/07/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 01/07/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR