

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

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER**

ITA No.1460/Del/2025  
Assessment Year: 2017-18

Sh. Devendra Kumar, H. No. 179, Sector-6, Chiranjeev Vihar, Ghaziabad	<b>Vs.</b>	Income Tax Officer, Ward-2(1)(2), Ghaziabad
<b>PAN: ACHPK7977M</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Sh. Deepanshu Mittal, Adv.
Department by	Sh. Manoj Kumar, Sr. DR

Date of hearing	02.07.2025
Date of pronouncement	02.07.2025

**ORDER**

This assessee's appeal for assessment year 2017-18, arises against the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's DIN and order no. ITBA/NFAC/S/250/2024-25/1071626355(1), dated 27.12.2024 involving proceedings under section 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

Heard both the parties. Case file perused.

2. It emerges during the course of hearing that both the learned lower authorities have treated the assessee's cash deposits of Rs.11.19 lakhs during demonetization, as unexplained; in

assessment framed on 22.10.2019 and upheld in the lower appellate discussion.

3. Both the parties vehemently reiterate their respective submissions against and in support of the impugned cash deposits addition. The fact however remains that the assessee all along has pleaded the source of the impugned cash deposits to his own and his family lifetime savings as well as on account of cash gifts received from friends and relatives on the occasion of marriage of the son whose relevant photographs from part of the records. It is made clear that he has admittedly failed in proving the reconciliation of his impugned cash deposits vis-à-vis his family savings and other gifts hereinabove as well before the learned lower authorities.

4. Be that as it may, it is thus deemed appropriate in the larger interest of justice that a *lumpsum* addition of Rs.2 lakhs only in the given facts would be just and proper as benefit of his past savings etc. going by socio-economic status could not be altogether ruled out. The impugned addition of Rs.11.19 lakhs stands deleted to the extent of Rs.9.19 lakhs in other words.

5. So far as assessee's assessment under section 115BBE is concerned, I quote S.M.I.L.E. Microfinance Ltd. Vs. ACIT, W.P. (MD) No.2078 of 2020 & 1742 of 2020, dated 19.11.2024 (Madras) that the impugned statutory provision would come into effect on the transaction done on or after 01.04.2017 only. The assessee is accordingly directed to be assessed under the normal provision as per law.

6. This assessee's appeal is partly allowed.

***Order pronounced in the open court on 2<sup>nd</sup> July, 2025***

***Sd/-***  
**(SATBEER SINGH GODARA)**  
**JUDICIAL MEMBER**

Dated: 2<sup>nd</sup> July, 2025.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi