

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'A' NEW DELHI**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

ITA No. 3015/Del/2022

Asstt. Yr.: 2019-20

DCIT, Central Circle-20, New Delhi.	<u>Vs</u>	Resoursys Telecom, A-18, Ansal Villas, Satbari Farm House, Chhattarpur, Delhi-110074.
		PAN: AAMFR 4328 L
APPELLANT		RESPONDENT

ITA No. 3016/Del/2022

Asstt. Yr.: 2019-20

DCIT, Central Circle-20, New Delhi.	<u>Vs</u>	Raghav Bansal, D-730, Saraswati Vihar, North West Delhi, New Delhi-110034.
		PAN: ACTPB 6780 F
APPELLANT		RESPONDENT

Assessee represented by	Shri Pramod Jain, CA & Shri Mukul Gupta, Adv.
Department represented by	Sh. Anurag S Daria Sr. DR
Date of hearing	18.08.2025
Date of pronouncement	18.08.2025

ORDER

PER SATBEER SINGH GODARA, J.M:

These Revenue's twin appeals ITA Nos. 3015 & 3016/Del/2022 for A.Y. 2019-20 arise against Commissioner of Income-tax (Appeals)-27, New Delhi's as many orders [CIT(A), Delhi-27/10120/2019-20 & CIT(A), Delhi-27/10119/2019-20], both dated 18.10.2022, respectively, in proceedings u/s 143(3) of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Heard both the parties at length.

2. A combined perusal of both case files reveals that the Revenue's identical sole substantive grievance herein seeks to revive the assessment findings treating these twin assessee's respective cash deposits of Rs. 3,55,38,000/- and Rs. 1,46,02,000/- as unexplained money u/s 69A read with Section 115BBE of the Act. We are further informed that both these assessees are related parties wherein the former appears to be the firm and the latter individual assessee is its proprietor/ managing partner; as the case may be. The revenue vehemently argues in support of the foregoing identical addition that these twin assessees could not plead and prove the source of the impugned cash deposits by filing the corresponding supportive evidence and explanation in question.

3. Learned counsel, on the other hand, invites our attention to the CIT(A)'s lower appellate discussion accepting these assessees' detailed explanation that the above impugned cash addition in fact represent their twin respective business sales in retail communication and related business activities. Our attention is further

invited to the case records wherein these twin assesseees appear to have filed all the relevant details, inter alia, explaining source of the impugned cash deposits to the above identical regular business activities only. They further submit that the Assessing Officer(s) had nowhere specifically rejected either the corresponding books of accounts u/s 145(3) of the Act nor ever disturbed the relevant entries in the P&L a/c in question.

4. We have given our thoughtful consideration to the Revenue's and the assesseees' foregoing submissions. We find no reason to accept either party's arguments herein in entirety. This is for the precise reason that neither the assesseees have been able to specifically get the impugned cash deposits reconciled/verified before the Assessing Officer nor the Revenue's vehement contentions could brush aside the assesseees' corresponding detailed explanation(s). Faced with this situation, we deem it appropriate, in the larger interest of justice, that lump sum additions of Rs. 10 lakhs and Rs. 5 lakhs appeal wise, respectively, shall be just and proper with a rider that the same shall not be treated as a precedent. Necessary computation shall follow.

5. So far as the assesseees' assessment u/s 115BBE is concerned, the Revenue could hardly dispute that hon'ble Madras high court in SMILE Microfinance Ltd. v. ACIT in WP(MD) No. 2078 of 2020 & 1742 of 2020 dated 19.11.2024 (Mad.) has already settled the issue that Section 115BBE applies on transactions on or

after 01.04.2017 only. Learned Assessing Officer shall ensure that the assessee shall be assessed under normal provisions qua the above additions of Rs. 10 lakhs and Rs. 5 lakhs (supra), respectively.

No other ground or argument has been raised before us.

6. These revenue's appeals ITA No. 3015 & 3016/Del/2022 are partly allowed. A copy of this common order be placed in respective case files.

Order pronounced in open court on 18.08.2025.

Sd/-

**(NAVEEN CHANDRA)
ACCOUNTANT MEMBER**

Sd/-

**(SATBEER SINGH GODARA)
JUDICIAL MEMBER**

Dated: 18.08.2025.

MP

Copy forwarded to:

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

**ASSISTANT REGISTRAR
ITAT, NEW DELHI**