

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 4457/Del/2025 : Asstt. Year : 2017-18

Abdul Wahid, CSC Shop No. 1, DDA Market, Hargobind Enclave, New Delhi-110092	Vs	Income Tax Officer, Ward-36(5), New Delhi
(APPELLANT)		(RESPONDENT)
PAN No. AAAPW4873B		

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

Date of Hearing: 26.08.2025	Date of Pronouncement: 26.08.2025
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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/250/2025-26/1077068679(1) dated 16.06.2025, 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. Learned counsel vehemently submits during the course of hearing that both the learned lower authorities herein have erred in law and on facts in treating the assessee's cash deposits in question of Rs.33,86,000/-, as unexplained in the assessment order dated 26.12.2019 and upheld in the lower appellate discussion.

4. The Revenue on the other hand draws strong support from both the learned lower authorities' respective findings making the impugned addition in the assessee's hands.

5. The tribunal hereby notices in this factual backdrop that the assessee all along has been admittedly held as running M/s Raunaq Medicos i.e. in pharmacy retail business which is a specified business under rule 6F(3)(i) of the Income Tax Rules wherein he is supposed to maintain the prescribed Form No. 3C which has nowhere been disputed by the learned lower authorities. The facts also remains that although the assessee claims to have maintained his regular books all along, the same have neither been reconciled nor all the facts stand verified, to the entire satisfaction of both the learned lower authorities. Be that as it may, it is thus deemed appropriate in the larger interest of justice that a lump sum addition of Rs.2,00,000/- only would be just and proper in with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs.31,86,000/- in other words.

6. 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.

7. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 26/08/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 26/08/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR