

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 4407/Del/2025 : Asstt. Year : 2017-18

Atin Jain A-1/108, 2nd floor, Safdarjung Enclave, New Delhi	Vs	ITO New Delhi
(APPELLANT)		(RESPONDENT)
PAN No. AGXPJ0037H		

Assessee by: Dr. Rakesh Gupta, Advocate
Sh. Somil Aggarwal, Advocate
Revenue by : Sh. Manoj Kumar, Sr. DR

Date of Hearing: 24.09.2025	Date of Pronouncement: 24.09.2025
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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/250/2025-6/1078236678 (1) dated 07.07.2025 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. The assessee's sole substantive ground canvassed in the instant appeal challenges both the learned lower authorities' respective findings treating his cash deposits during demonetization amounting to Rs.30.23 lacs, as unexplained under Section 69A r.w.s. 115 BBE of the Act, in assessment order dated 08.12.2019 as upheld in the lower appellate discussion.

4. It is next noticed from the perusal of the case records as well as in light of valuable assistance coming from both the parties that the assessee is stated to be engaged in electronic components' retail sale supply business in Delhi as per his duly audited book results. He has further declared these impugned cash deposits as part of business turnover as well. The Revenue could hardly dispute that assessee's above detailed evidence filed in the paper book could not be simply brushed aside in entirety.

5. Faced with the situation, it is deemed appropriate in the larger interest of justice that a lump sum addition of Rs.2

lacs herein would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs. 28.23 lacs in very terms. Necessary computation shall follow as per law.

7. So far as assessee's assessment under Section 115BBE is concerned, I 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.

8. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 24/09/2025.

SD/-

(Satbeer Singh Godara)
Judicial Member

Dated:13/10/2025

NEHA, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR