

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
AGRA BENCH, AGRA**

**BEFORE : SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER  
AND  
SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER**

**ITA No. 561/Agr/2024  
Assessment Year: 2015-16**

Shri Praveen Shivhare, Jagarti Devi Shivhare, LIC, Aara Meel Birla Nagar, Gwalior (MP).	<b>Vs.</b>	Income-tax Officer, Ward 1(1), Gwalior.
<b>PAN :BBHPS2588A</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Sh. Arpit Gaur, C.A.
Department by	Sh. Shailendra Srivastava, Sr. DR

Date of hearing	13.10.2025
Date of pronouncement	30.10.2025

**ORDER**

**PER : SUNIL KUMAR SINGH, JUDICIAL MEMBER:**

This appeal has been preferred by assessee against the impugned order dated 28.10.2024 passed in Appeal No. NFAC/2014-15/10232148 by the Ld. Commissioner of Income-tax (Appeals), NFAC, Delhi u/s. 250 of the Income-tax Act, 1961 (hereinafter referred to as "the Act") for the assessment year 2015-16, wherein the Id. CIT(Appeals) has dismissed assessee's first appeal.

2. Brief facts state that the assessee is a non-filer. As per information available on insight portal, assessee was found to have deposited cash of Rs.1,17,50,000/- in his bank account with UCO Bank during the F.Y. 2014-15. Case was reopened u/s. 147 of the Act by issuing notice u/s. 148 of the Act. Assessee filed return of income in response thereof, declaring total income of Rs.2,36,820/-, on 13.01.2023. Statutory notices u/s. 143(2) and 142(1) of the Act were issued and served upon assessee. Assessee submitted before the Assessing Officer that he is a property broker and received commission income and took temporary overdraft facility from his UCO Bank account and submitted copy of bank statement. After considering assessee's response, Assessing Officer was not satisfied and added Rs.1,19,00,000/- in the total income of the assessee on account of unexplained income u/s. 69A of the Act.

3. Aggrieved, assessee preferred first appeal before Id. CIT(Appeals), who dismissed assessee's appeal, stating that the nature and reasons for the withdrawals from overdraft and subsequent deposits of cash could not be substantiated by the appellant.

4. Appellant assessee has approached this Tribunal on the following grounds :

"1. That, the learned CIT(A) grossly erred, both on facts and in law, in upholding the action of the AO for determining the income of the

appellant, for the relevant assessment year, at Rs 1,21,36,820/- as against the returned income of Rs.2,36,820/- thereby making a huge addition of Rs. 1,19,00,000/- in the appellant's income, which is quite unjustified, unwarranted and bad-in-law.

2a). That, the learned CIT(A) grossly erred, in law, in confirming the action of the AO in assuming the jurisdiction under s.147 of the Income-Tax Act, 1961 over the case of the appellant and framing the assessment in consequence thereof.

2b). That, the learned CIT(A) grossly erred, in law, in confirming the action of the AO in assuming the jurisdiction for framing the assessment under s.147 of the Act without having any objective reason to believe as regard to escapement of any income in the hands of the appellant.

3. That, without prejudice to the above, the learned CIT(A) grossly erred, both on facts and in law, in upholding the addition of Rs.1,19,00,000/-made by the Id. AO in the appellant's income on the allegation of unexplained cash deposits in the bank account of the appellant by treating the same as unexplained money under the provisions of s.69A of the Act, without properly considering and appreciating the submissions made by the appellant along with ample of documentary evidences. ....”

5. Perused the records. Heard learned representative for assessee and learned Sr. DR for revenue.

6. A very small issue under appeal is as to whether the cash deposited by the assessee in his bank account was the consequence of temporary overdraft facility availed by assessee before such withdrawals.

7. Learned AR submitted that the assessee is a property broker and after withdrawing the said amount from the overdraft facility from his UCO Bank account, he deposited back in the same account on various occasions. Bank account details were also submitted before Id.

CIT(Appeals), but learned CIT(Appeals) has not considered assessee's submissions and documentary evidences in true spirit. Prayed to allow the appeal.

8. Learned DR has supported the impugned order.

9. We notice that the impugned order in its para No. 5.2 has the details of assessee's explanation in respect of the cash deposits with regard to its source in the tabulated form, indicating the source as the temporary overdraft facility availed from his UCO Bank account. However, the bank permission related details in respect of temporary overdraft facility were not found. When questioned by the Bench, Ld. AR assured to produce the same on record. We find that the same is made available post argument stage and during the dictation of the order. UCO Bank, NEI, Jaipur branch seems to have issued a letter dated 15.10.2025 addressed to the assessee, confirming that the overdraft facility enjoyed on 13.02.2014 amounting to Rs.400 lakh, was sanctioned but subject to verification from the records available at the bank. In such circumstances, we deem it just and appropriate to afford one more opportunity to the assessee to file the relevant order of the bank in respect of temporary overdraft facility to substantiate his claim of subsequent deposit of cash, before the first appellate authority, who, after considering the bank permission/details in

respect of assessee's temporary overdraft facility, and after taking assessee's explanation/submission into consideration, shall pass order afresh in accordance with law. We, accordingly, restore the matter back to the file of Id. CIT(Appeals) for reasoned order afresh in accordance with law, after giving sufficient opportunity of hearing to the assessee. Needless to say that learned CIT(A) shall ensure the observance of the principles of natural justice. The appeal is, thus, liable to be allowed for statistical purposes.

10. In the result, appeal is allowed for statistical purposes.

***Order pronounced in the open court on 30.10.2025.***

**Sd/-  
(S. RIFAUR RAHMAN)  
ACCOUNTANT MEMBER**

**Sd/-  
(SUNIL KUMAR SINGH)  
JUDICIAL MEMBER**

Dated: 30.10.2025

\*aks/-

Copy forwarded to:

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

Asst. Registrar, ITAT, Agra