

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

**Before Sh. Satbeer Singh Godara, Judicial Member
&
Sh. S. Rifaur Rahman, Accountant Member**

ITA No. 4281/Del./2025 : Asstt. Year : 2017-18

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| Yogesh Malik, Sector-11, Dwarka, New Delhi-110075 (APPELLANT) | Vs | ACIT, Circle-43(1), New Delhi-110002 (RESPONDENT) |
| PAN No. AHQPM6401N | | |

Assessee by: None

Revenue by: Sh. Ajay Kumar Arora, Sr. DR

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| Date of Hearing: 19.11.2025 | Date of Pronouncement: 19.11.2025 |
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ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2025-26/1076946628(1) dated 12.06.2025, in proceedings u/s 143(3) of the Income Tax Act, 1961.

2. Case called twice. None appears at the assessee's behest. He is accordingly proceeded *ex-parte*.

3. Next comes the sole substantive issue between the parties. We notice during the course of hearing with the able assistance coming from the Revenue side that both the learned lower authorities have treated the assessee's cash deposits during demonetization amounting to Rs.1,12,56,371/- as unexplained u/s 68 r.w.s. 115BBE of the Act; in assessment

order dated 15.12.2019 as upheld in the lower appellate discussion.

4. The Revenue vehemently argues in this factual backdrop that the assessee has failed to explain source of the impugned cash deposits both in assessment as well as in the lower appellate proceedings. He could hardly dispute even the learned assessing authority has duly accepted in its assessment that the assessee is running petrol pump in the name of B.S. Dwarka, Sector-11, Dwarka, New Delhi. He further found to have deposited cash to the tune of Rs.4,26,82,920/- which stand added to the extent of Rs.11,25,637/- in issue. The Revenue's case accordingly is that the assessee could neither file all the relevant documents on record nor reconcile these cash deposits vis-à-vis his business turnover.

5. We have given our thoughtful consideration to the Revenue's foregoing argument and find no reason to accept the same in entirety. We reiterate the clinching fact that this assessee is running a petrol pump whose turnover not only got audited under VAT law but also he had filed all his evidence; although not to the entire satisfaction of both the learned lower authorities, in assessment as well as in the lower appellate proceedings. We thus are of the considered view that it is not

the assessee's entire cash deposits which could be added as unexplained by simply brushed aside foregoing detailed discussion. We thus deem it appropriate in this factual backdrop that a lump sum addition of Rs.2,00,000/- only would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs.1,21,44,721/- in other words. Necessary computation shall follow as per law.

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 19/11/2025.

Sd/-

Sd/-

(S. Rifaur Rahman)
Accountant Member

(Satbeer Singh Godara)
Judicial Member

Dated: 19/11/2025

Subodh Kumar, Sr. PS

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Appellant

1. Respondent

2. CIT

3. CIT(Appeals)

4. DR: ITAT

ASSISTANT REGISTRAR