

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
KOLKATA-PATNA 'e-COURT', KOLKATA  
[Hybrid Court Hearing]**

**Before**

**SHRI SONJOY SARMA, JUDICIAL MEMBER  
&  
SHRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**ITA No.: 169/PAT/2025  
Assessment Year: 2017-18**

Menaka Jayasaval	Vs.	ITO, NFAC, Delhi
<b>(Appellant)</b>		<b>(Respondent)</b>
<b>PAN: AUGPJ8953M</b>		

**Appearances:**

**Assessee represented by** : N o n e

**Department represented by** : Shri Ashwani Kr. Singal, JCIT

Date of concluding the hearing : 14-October-2025

Date of pronouncing the order : 03-December-2025

**ORDER**

**PER RAKESH MISHRA, ACCOUNTANT MEMBER:**

This appeal filed by the assessee is against the order of the Id. Commissioner of Income Tax (Appeals)-NFAC, Delhi [hereinafter referred to as Ld. 'CIT(A)'] passed u/s 250 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') for AY 2017-18 dated 12.02.2025.

2. The assessee is in appeal before the Tribunal raising the following grounds of appeal:

1. For that the Ld. CIT(A) has erred in not consider the evidence on record and confirming addition of total income of Rs. 12,88,000/- as against returned income of Rs. 2,41,210/-.

2. For that the Ld. CIT(A) has erred in holding that the appellant has not filed any return for the said period although the return has been filed and intimation of the same has been communicated to the jurisdiction assessing officer.



3. For that the Ld. CIT(A) has erred in confirming the addition of entire deposit in the Bank account amounting to Rs.12,88,000/- during the demonetization period u/s 69A and levying tax @ 60% by invoking Section 115BBE without considering the facts available on records.

4. For that the Ld. CIT(A) is erred in not allowing ground of appeal that Ld. AO without holding the Bank account to be undisclosed has erred in considering the deposits therein to have come out of unexplained sources and thereby adding the same u/s 69A.

5. For that the Ld. CIT(A) is erred in not allowing ground of appeal that Ld. AO has erred in making the additions of Rs. 12,88,000/- without discharging its onus in law u/s 69A and without bringing on record any material I evidence in support of invocation of deeming provision and to disprove the case of the appellant that the deposits are covered out of genuine business receipt and/or the appellant has some or the other activity other than business from which the deposit is flowing.

6. For that the Ld. CIT(A) is erred in not allowing ground of appeal that order of the Ld. Assessing Officer is made on presumption, conjectures and surmises completely disregarding the documentary evidence.

7. For that any other ground that may be urged in the course of hearing.

3. Brief facts of the case are that the assessee is an individual, who is engaged in the retail business of cement. A notice was served upon the assessee to file her income tax return for the AY 2017-18 within 15 days from the service of notice. The case was reopened after getting necessary approval from the competent authorities on the basis of the information available in AIR with the Department that the assessee had deposited ₹12,88,000/- during the demonetization period and had not filed her return of income for AY 2017-18. Later a notice under section 148 of the Income Tax Act, 1961 for AY 2017-18 was issued to the assessee to file her return of income within 30 days from the receipt of the said notice, but in response to the notice, neither assessee nor her authorized representative filed any reply. Thereafter various notices under section 142(1) were issued and served upon the assessee electronically to furnish the documents but no compliance was made. In the absence of any satisfactory reply from the assessee, the amount



of ₹12,88,000/- was treated as unexplained and unaccounted money in the hands of assessee under section 69A of the Act and the total income of the assessee was assessed at ₹12,88,000/-.

4. Aggrieved with the assessment order, the assessee filed an appeal before the Ld. CIT(A), who issued several notices for hearing, but no compliance was made to substantiate her claim in support of the grounds of appeal despite enough opportunities of being heard provided to her. The assessee failed to furnish any documentary evidence and also failed to explain the nature and the source of the amount added as unexplained cash deposits, therefore, the appeal was dismissed.

5. Aggrieved with the order of the Ld. CIT(A), the assessee has filed the appeal before the Tribunal.

6. None appeared on behalf of the assessee; therefore, the appeal was heard with the assistance of the Ld. DR. The ld. Departmental Representative vehemently supported the order of ld. CIT(Appeals) and pleaded that the appeal of the assessee may be dismissed as no compliance was made either before the ld. Assessing Officer or even before the ld. CIT(A).

8. We have considered the submissions made, gone through the facts of the case and perused the record and the order of the Ld. CIT(A). It is noted that both before the ld. Assessing Officer as well as before the ld. CIT(Appeals), the assessee did not make any compliance for the deposited amount of ₹12,88,000/- during demonetization period. As there was no explanation from the side of assessee, therefore, the amount of ₹12,88,000/- was added by the ld. Assessing Officer to the total income of the assessee under section 69A of the Income Tax Act. Before the ld. CIT(Appeals), there was no explanation from the assessee



to substantiate her grounds of appeal. Therefore, the ld. CIT(Appeals) dismissed the appeal of the assessee on account of non-prosecution and confirmed the addition made by the ld. Assessing Officer.

9. We have perused the material available on record. The assessee had furnished a written submission before the ld. Assessing Officer explaining thereby the source of said deposits of ₹12,88,000/- during the demonetization period along with a Bank certificate containing therein the description of the notes along with the date of deposit. It was explained by the assessee that out of total deposits of ₹12,88,000/-, the demonetization currency was ₹5,76,500/-, which was deposited out of her Stridhan of ₹2,48,000/- accumulated over a period of time and ₹3,28,500/- was out of the sale proceeds. Remaining deposit of ₹7,11,500/- in other than demonetized currency as per Bank certificate produced was out of the sale proceeds. This explanation does not appear to have been considered both by the Ld. AO as well as by the Ld. CIT(A). Therefore, in the interest of justice and fair play and also by considering the totality of the facts and circumstances of the case, the Bench was of the view that the matter may be remanded to the ld. Assessing Officer for providing one more opportunity of being heard to the assessee for presenting her case before him. Accordingly, the order of the Ld. CIT(A) is set aside and the issue is remanded to the Ld. Assessing Officer to grant one more opportunity to the assessee and to decide the issues on merits. The assessee shall produce all the relevant documents before the ld. Assessing Officer, as required, and the Ld. Assessing Officer shall consider the submission made and thereafter, pass the order in accordance with law. Thus, all the grounds raised by the assessee are partly allowed for statistical purposes.



**10. In the result, the appeal of the assessee is partly allowed for statistical purposes.**

**Order pronounced in the open Court on 03 December, 2025.**

**Sd/-**

**Sd/-**

**[Sonjoy Sarma]**  
Judicial Member

**[Rakesh Mishra]**  
Accountant Member

Dated: 03.12.2025



*Copy of the order forwarded to:*

- 1. Menaka Jayasaval, 1, Shahpur Patori, Shahpur Patori, Samastipur-848504, Bihar**
- 2. NFAC, Delhi, Assessing Officer, Ward-3(3), Samastipur**
3. CIT(A)-NFAC, Delhi.
4. CIT-
5. CIT(DR), Kolkata Benches, Kolkata.
6. Guard File.

*// True copy //*

By order

Assistant Registrar  
ITAT, Kolkata Benches  
Kolkata

**Laha**