

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 7479/Del/2025 : Asstt. Year: 2017-18

Sh. Abhishek Gogna, 336, Deepali, Pitampura, Delhi-110034	Vs	Income Tax Officer, Ward-43(8), New Delhi
(APPELLANT)		(RESPONDENT)
PAN No. AQLPG0896K		

**Assessee by: Sh. Ankit Kumar, Adv.
Revenue by : Sh. Amit Shukla, Sr. DR**

Date of Hearing: 23.12.2025	Date of Pronouncement: 23.12.2025
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ORDER

This assessee's appeal for Assessment Year 2017-18 arises against the Addl./JCIT(A)-2, Surat's DIN & order No. ITBA/APL/S/250/2025-26/1079116811(1) dated 31.07.2025, 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. Delay of 50 days in filing of the instant appeal is condoned in the larger interest of justice in light of Collector Land Acquisition vs. Mst. Katiji & Ors (1987) 167 ITR 471 (SC).
4. Coming to the assessee's sole substantive ground raised herein, it is evident at the outset that both the learned lower authorities have treated his cash deposits during demonetization amounting to Rs.12,49,000/- as unexplained

u/s 69A r.w.s. 115BBE of the Act; in assessment order dated 09.12.2019 as upheld in the lower appellate discussion.

5. Faced with this situation, learned counsel has invited the tribunal's attention to the relevant case records indicating the assessee's opening cash in hand as well as bank withdrawals, tuition income and drawings etc., to buttress the point that he had indeed pleaded and proved the source of the impugned cash deposits in both the lower proceedings. The fact however remains that the assessee has not been able to file and prove all of his cogent supportive evidence indicating him even having a regular source of income all along. The fact also remains that possibility of accumulated past savings in such an instance keeping in mind the assessee and his family's socio economic status could not be altogether denied as well. Be that as it may, it is deemed appropriate that a lump sum addition of Rs.3,49,000/- only in the given facts would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs.9,00,000/- in other words.

6. 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.

7. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 23/12/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 23/12/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR