

**IN THE INCOME TAX APPELLATE TRIBUNAL
SURAT BENCH, SURAT (SMC)**

Before Ms. Suchitra Kamble, Judicial Member

**ITA No. 572/SRT/2025
Assessment Year 2017-18**

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| Jivrajbhai Gopalbhai Kakadia, F-1101 Malabar Hill, Somnath Mahadev Road Parle Point, Surat-395007 PAN: ABLPP4749B | Vs | The Income Tax Officer, Ward-1(3)(2), (Present Jurisdiction- Ward 1(3)(1), Surat 203, 2 nd Floor, Income Tax Office, Surat, Anavil Business Center, Adajan Hazira Road, Adajan, Surat - 395007 |
| Appellant | | Respondent |

Assessee by: Shri Shulabh Padshah, C.A.
Revenue by: Ms. Jayshree Thakur, Sr. D.R.

Date of hearing : 24-12-2025
Date of pronouncement : 07-01-2026

आदेश/ORDER

This is an appeal filed by the Assessee against the order dated 27-03-2025 passed by Commissioner of Income Tax (Appeals), Delhi for assessment year 2017-18.

2. The grounds of appeal are as under:-

“1. The lower authorities has erred in invoking the provisions of Section 69A of the Act in case of Appellant considering cash deposits of Rs 32,00,000/- as Unexplained Money On facts and circumstances of the case, the provisions of Section 69A of the Act are just not attracted in case of Appellant and the entire addition made being completely illegal and unjustifiable be deleted in interest of justice

2. The Learned CIT (Appeals) has erred in passing an Ex-parte order and dismissing the appeal of the Appellant without considering adjournment request filed during Appellate Proceeding. On facts and circumstances of the case, it is prayed before your honour that the matter please be set aside to lower authorities to give fair

opportunity of being heard to the Appellant in the interest of justice. The same please be held accordingly

3. *The Learned CIT (Appeals) has erred in confirming the addition made of Rs 32,00,000/- on account of Unexplained money u/s 69A of Income Tax Act. It is submitted that the necessary details and explanations explaining the source of cash deposits were available with the Appellant, but it could not be filed because of ex-parte order passed Ld CIT(A) in hurried manner. On the facts and circumstances of the case, the addition made on account of cash deposits of Rs 32,00,000/- is completely incorrect and illegal and the same deleted after verification of facts and evidences available with Appellant. The same please be held accordingly.*

4. *The Order passed by the learned CIT(A) and Ld AO are bad in law and contrary to the provisions of law an facts. It is submitted that the same be held so now.*

5. *Your appellant craves leave to add, alter and/or to amend all or any of the grounds before the final hearing of appeal.*

3. The Assessee Return was selected for scrutiny for the reason that Large value cash deposit was made during the demonetization. The Return of Income was filed by the Assessee on 30.08.2018 declaring total income of Rs. 1,73,940/-. Notice u/s 143(2) of the Income Tax Act, 1961 was issued on 09.08.2018. The statutory notices u/s 142(1) was issued to the assessee along with show-cause notice dated 05.11.2019. In response to the show-cause notice, the assessee furnished his reply on 27.11.2019 and 29.11.2019. The assessee is an agriculturist and partner in Partnership Firm M/s. Mata Infra and earned interest and profit from partnership firm, Saving bank interest and agricultural income during the year under consideration. During the period of demonetization the assessee deposited cash of Rs. 32,00,000/-, treating the same as unexplainable credit u/s 68 of Act.

4. Being Aggrieved by the Assessment Order, the assessee filed appeal before the CIT(A). The CIT(A) dismissed the appeal of the assessee.

5. The Ld. A.R. Submitted that the CIT(A) has passed ex-parte Order without taking cognizance of the assessee evidence filed before the Assessing Officer. Therefore, the Ld. A.R. submitted that the matter may be remained back to the file of the CIT(A) for proper verification of the evidence and adjudication of the grounds decided by the assessee.

6. The Ld. D.R. relied upon the assessment order and the order of the CIT(A).

7. Heard both the parties and perused all the relevant material available on record. It is pertinent to note that the CIT(A) has not taken into cognizance the assessee's details and simply made the observation that the assessee sought adjournment on one occasion. Therefore, it will be appropriate to remained back this matter to the file of the CIT(A) for proper verification of the details filed by the assessee and adjudicate the same as per Income Tax law. Needless to say, the assessee be given an opportunity of hearing by following principles of natural justice.

8. In the result, the appeal of the assessee is partly allowed statistical purpose.

Order Pronounced under proviso to Rule 34 of ITAT Rules, 1963 on 07/01/2026

Sd/-
(Suchitra Kamble)
Judicial Member

N.K

Ahmedabad : Dated 07/01/2026

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. Assessee
2. Revenue
3. Concerned CIT

4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
अहमदाबाद