

आयकर अपीलीय अधिकरण
दिल्ली पीठ "एस एम सी", दिल्ली
श्री विकास अवस्थी, न्यायिक सदस्य

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "SMC", DELHI
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER
आअसं.5503/दिल्ली/2025 (नि.व. 2015-16)
ITA No.5503/DEL/2025 (A.Y.2015-16)

Dinesh Kumar,
V & PO Pathreri, Bhora Kalan, Gurgaon,
Haryana 122413

PAN: DUHPK-7924-P

..... अपीलार्थी/Appellant

बनाम Vs.

Income Tax Officer, Ward-1(4),
Gurgaon, Haryana 122016

..... प्रतिवादी/Respondent

अपीलार्थी द्वारा/Appellant by : Shri Ishwar, Chartered Accountant

प्रतिवादीद्वारा/Respondent by : Shri Manoj Kumar, Sr. DR

सुनवाई की तिथि/ Date of hearing : 16/12/2025

घोषणा की तिथि/ Date of pronouncement : 14/01/2026

आदेश/ORDER

PER VIKAS AWASTHY, JM:

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi [in short 'the CIT(A)'] dated 10.07.2025, for Assessment Year 2015-16.

2. The assessment in the present case was framed u/s. 147 r.w.s 144 of the Income Tax Act,1961(hereinafter referred to as 'the Act') vide order dated 30.03.2024 making addition of Rs.38,60,000/- u/s. 69A r.w.s 115BE of the Act. Notice u/s.148 of the Act was issued to the assessee consequent to information received through Risk Management Strategy (RMS) that during the relevant previous year the assessee had deposited cash amounting to Rs.47,50,000/- in his bank account and had also made investment in immovable property amounting to

Rs.1,30,50,000/-. Since the assessee had not filed return of income for the year under consideration, proceedings u/s. 147 of the Act were initiated. The assessee filed return of income in response to notice u/s.148 and also furnished certain details. The assessee explained that the cash deposits were out of (i) earlier withdrawal of cash from bank amounting to Rs.8,90,000/-, (ii) cash loans from friends and relatives amounting to Rs.19,00,000/-, and (iii) sale of agricultural land. The Assessing Officer accepted the explanation to the extent of cash withdrawal of Rs.8,90,000/-. However, in respect of the remaining amount of Rs.38,60,000/-, the AO held that the assessee failed to substantiate source of cash deposits with documentary evidence. Accordingly, the unsubstantiated cash deposits were added as unexplained money u/s. 69A of the Act. The assessee carried the matter in appeal before the CIT(A), but remained unsuccessful.

3. Shri Ishwar, appearing on behalf of the assessee submitted that cash deposits in the bank are from earlier withdrawals of cash and sale of agricultural land. To substantiate his argument, he refers to copy of registered sale deed at pages 10 to 16 paper book and bank statement at page 17 of paper book. In so far as cash deposits from earlier withdrawals he submitted that the AO accepted the same. He thus, prayed for deleting the addition of Rs.38,60,000/-.

4. Shri Manoj Kumar, representing the department supported the orders of the authorities below and submitted that the assessee failed to discharge the onus cast upon him to explain the source of cash deposits with supporting evidence.

5. Submissions made by both sides heard, orders of the authorities below perused. The short issue in appeal is the addition of Rs.38,60,000/- sustained by the CIT(A). The AO during assessment proceedings had questioned cash deposits of

Rs.47,50,000/- in assessee's bank account. The assessee explained source of cash deposits as earlier withdrawals from the bank Rs.8,90,000/-and from sale of agricultural land. The AO accepted assessee's submissions qua cash deposits of Rs.8,90,000/- from earlier withdrawals only. To substantiate deposits of cash from sale of land, the assessee has placed on record copy of registered sale deed dated 05.01.2015 at pages 8 to 10 of the paper book and assessee's bank statement at page 17 of the paper book. A perusal of sale deed shows that the assessee was co-owner of agricultural land admeasuring 56 kanal 96 marla. The assessee was having $\frac{1}{4}$ share in the said land. This land was sold for a total consideration of Rs.71,54,34,037/- the assessee has received his share in consideration partly by way of cheque for Rs.1,15,75,000/- and the balance in cash. A perusal of the bank statement shows that the assessee has deposited cash Rs.39,50,000/- on 05.01.2015 and Rs.7,50,000/- on 06.01.2015. The proximity of dates of cash deposits in the bank and sale of agricultural land substantiates the plea of assessee that cash deposits in the bank were from part of sale consideration received in cash. The source disclosed by the assessee for deposit of cash is plausible. Hence, the same is accepted.

6. In the result, appeal of the assessee is allowed.

Order pronounced in the open court on Wednesday the 14th day of January, 2026.

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

दिल्ली/Delhi, दिनांक/Dated 14/01/2026

NV/-

प्रतिलिपि अग्रेषितCopy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. The PCIT/CIT(A)
4. विभागीय प्रतिनिधि, आय.अपी.अधि., दिल्ली /DR, ITAT, दिल्ली
5. गार्ड फाइल/Guard file.

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BY ORDER,

(Asstt. Registrar) ITAT, DELHI