

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DEHRADUN “SMC” BENCH, DEHRADUN**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER
(Through Video Conferencing)**

ITA No.236/DDN/2024
Assessment Year: 2017-18

Mrs. Pushpa Devi, M/s. Sajwan Cold Drinks, Guptkashi, Rudraprayag, Uttrakhand	Vs.	Income Tax Officer, Ward-1(4)(4), Srinagar
PAN :AGZPD5011F		
(Appellant)		(Respondent)

Assessee by	Sh. Nitish Gupta, Adv.
Department by	Sh. A.S. Rana, Sr. DR

Date of hearing	12.01.2026
Date of pronouncement	12.01.2026

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee’s appeal for assessment year 2017-18, arises against the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre [in short, the “CIT(A)/NFAC”], Delhi’s DIN and order no. ITBA/NFAC/S/250/2024-25/1070048400(1), dated 30.10.2024, involving proceedings under sections 144 of the Income-tax Act, 1961 (hereinafter referred to as ‘the Act’).

Heard both the parties. Case file perused.

2. It emerges during the course of hearing that the assessee/appellant presses for her sole substantive grievance challenging both the learned lower authorities' action treating her cash deposits amounting to Rs.17 lakhs as unexplained under section 69A r.w.s. 115BBE of the Act; in assessment order dated 26.11.2019 and upheld in the lower appellate discussion.

3. The Revenue vehemently argues in this factual backdrop that once the assessee has failed to plead and prove the source of the impugned cash deposits, both the learned respective findings treating the same as unexplained ought to be upheld. It could hardly dispute the clinching fact emerging from the case file that the assessee happens to be engaged in her regular business activity of a wholesaler/retailer of M/s. Pepsico India Holdings Pvt. Ltd. and Varun Beverages Ltd. She had also filed her GST/Commercial taxation registration and also furnished VAT returns for FY 2016-17 claiming sales of Rs.82,91,417/- (page 8) in assessment order. This is indeed coupled with the fact that both the learned lower authorities have already estimated GP thereupon @ 8% coming to Rs.6,63,313/-. The only inference which would arise in the given facts is that the assessee's impugned cash deposits; although

specifically reconciled and got verified before both the learned lower authorities, *prima facie* represents her business turnover only. It is thus is deemed appropriate in this factual backdrop that a lumpsum addition of Rs.1 lakhs 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.16 lakhs in other words.

4. So far as assessee's assessment under section 115BBE is concerned, we quote S.M.I.L.E. Microfinance Ltd. Vs. ACIT, W.P. (MD) No.2078 of 2020 & 1742 of 2020, dated 19.11.2024 (Madras) that the impugned statutory provision would come into effect on the transaction done on or after 01.04.2017 only. The assessee is accordingly directed to be assessed under the normal provision as per law.

5. This assessee's appeal is partly allowed.

Order pronounced in the open court on 12th January, 2026

Sd/-
(MANISH AGARWAL)
ACCOUNTANT MEMBER

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 15th January, 2026.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi