

**IN THE INCOME TAX APPELLATE TRIBUNAL
DEHRADUN BENCH, DEHRADUN**
Before Sh. Satbeer Singh Godara, Judicial Member
&
Sh. Manish Agarwal, Accountant Member

ITA No. 36/DDN/2021 : Asstt. Year: 2017-18

Nirmal Singh, Village-Kachnal Gazi, Kashipur, U.S. Nagar, Uttarakhand-244713	Vs	CIT(A)/NFAC, Delhi
(APPELLANT)		(RESPONDENT)
PAN No. CPNPS4944F		

Assessee by : None

Revenue by : Sh. Amar Pal Singh, Sr. DR

Date of Hearing: 13.01.2026

Date of Pronouncement: 13.01.2026

ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2021-22/1035499940(1) dated 13.09.2021, in proceedings u/s 144 of the Income Tax Act, 1961.

2. Case called twice. None appears at the assessee's behest. He is accordingly proceeded *ex-parte*.

3. Learned departmental representative vehemently argues during the course of hearing that both the learned lower authorities herein have rightly treated the assessee's cash

deposits of Rs.18,60,000/- as unexplained u/s 69A r.w.s. 115BBE of the Act as upheld in the lower appellate discussion.

4. We have given our thoughtful consideration to the assessee's and the Revenue's pleadings all along. A perusal of the assessment order at page 2 in para 4 suggest that the assessee has sold an immovable property declared sale consideration of Rs.60,00,000/- at Kahsipur, Uttarakhand in the relevant previous year. He had further declared long term capital gains arising therefrom amounting to Rs.52,14,139/- as well. The necessary *prima facie* inference which would arise in the given facts is that the impugned cash deposits; although not reconciled or verified to the entire satisfaction of both the learned lower authorities, represent the on-money component in the foregoing sale deed involving total consideration of Rs.66,33,000/-. We further wish to emphasize here that case law Smt. Malini Ramnath Rele vs. ITO (1994) 49 ITD 43(MUM) (TM) has already settled the issue in favour of such an inference based on peculiar facts of the case. We thus deem it appropriate that a lump sum addition of Rs.1,00,000/- only would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relieved of Rs.17,60,000/- in other words.

5. So far as assessee's assessment under Section 115BBE is concerned, we 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.

6. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 13/01/2026.

Sd/-

(Manish Agarwal)
Accountant Member
Dated: 13/01/2026

Subodh Kumar, Sr. PS

Copy forwarded to:

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

Sd/-

(Satbeer Singh Godara)
Judicial Member

ASSISTANT REGISTRAR