

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

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER**

ITA No.4463/Del/2024
Assessment Year: 2017-18

Income Tax Officer, HSIIDC Building, Gurgaon, Haryana	Vs.	Sh. Mohit Aneja, Flat No.204, New Green Wooded Society, Plot No. 06, Near Botanical Garden, Sector -52, Gurgaon, Haryana
PAN:AHKPA3548E		
(Appellant)		(Respondent)

Assessee by	Mr. Dhananjay Bhardwaj, Adv. Ms. Agni Choudhary, Adv.
Department by	Ms. Ankush Kalra, Sr. DR

Date of hearing	14.01.2026
Date of pronouncement	14.01.2026

ORDER

PER SATBEER SINGH GODARA, JM

This Revenue'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/250/2024-25/1067072111(1), dated 26.07.2024 involving proceedings under section 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

Heard both the parties. Case file perused.

2. Delay of 2 days in filing of the assessee's/Revenue's instant appeal is condoned in larger interest of justice and in light of Collector, Land & Acquisition vs. Mst. Katiji & Others (1987) 167 ITR 471 (SC).
3. Coming to the Revenue's sole substantive grievance based on the instant appeal i.e. CIT(A)/NFAC has erred in law and on facts in reversing the Assessing Officer's action treating the assessee's cash deposits during demonetization amounting to Rs. 1,76,55,000/- as unexplained.
4. The Revenue vehemently argues during the course of hearing that the Assessing Officer's assessment dated 28.12.2019 framed in the assessee's case had rightly treated his cash deposits during demonetization amounting to Rs.1,76,55,000/- which has been wrongly deleted in the lower appellate discussion.
5. Both the learned representatives vehemently reiterate the Revenue's and the assessee's respective stands in support and against the impugned cash deposit addition. There does not seem to be much a dispute between the parties that this assessee/individual is a retailer of liquor and wine business who

run his outlets in Punjab and Rajasthan. He has further declared sales turnover of Rs.20,20,47,407/- even as per the assessment order as well.

6. That being the case, it could safely be presumed that although the assessee/respondent could not reconcile and verify his impugned cash deposits as part of the liquor sales turnover to the satisfaction of the Assessing Officer, the same could be termed as the sole reason for rejecting his entire explanation as well. We thus deem it appropriate in this factual backdrop that a *lumpsum* addition of Rs.6 lakhs only would be just and proper with a rider that the same shall not be treated as a precedent. Necessary computation shall follow as per law.

7. 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.

8. This Revenue's appeal is partly allowed.

Order pronounced in the open court on 14th January, 2026

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 20th January, 2026.

RK/-

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi