

आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर
IN THE INCOME TAX APPELLATE TRIBUNAL
INDORE BENCH, INDORE
BEFORE SHRI B.M. BIYANI, ACCOUNTANT MEMBER
AND
SHRI PARESH M JOSHI, JUDICIAL MEMBER

ITA No.632 & 633/Ind/2025
(AYs: 2015-16 & 2016-17)

Prathmik Krashi Sakh Sahakari Samiti Tarvariya, Prathmik Krashi Sakh Samiti Tarvariya. Tarvariya Sikonj, Vidisha- 464228 (M.P.) (PAN:AAAAP6891P)	<u>बनाम/</u> Vs.	ITO -VIDISHA
(Appellant)		(Respondent)
Assessee by	Shri Gagan Tiwari, Adv.	
Revenue by	Shri Ashish Porwal, Sr.DR	
Date of Hearing	19.01.2026	
Date of Pronouncement	30.01.2026	

आदेश / O R D E R

Per Paresh M Joshi, J.M.:

This is an Appeal filed by the Assessee under section 253 of the income tax Act 1961,[herein after referred to as the Act for the sake of convenience & brevity] before this tribunal. The Assessee is aggrieved by the order bearing Number:- ITBA/NFAC/S/250/2025-26/1076311901(1) passed by the Ld. CIT(A) u/s 250 of the Act, which is herein after referred to as the "**Impugned order**". The Relevant Assessment year

is 2015-16 and the corresponding previous year period is from 01.04.2015 to 31.03.2016.

2.

Factual Matrix

2.1 That as and by way of an Assessment order made u/s **147rws144/144B** of the Act, the total income of the Assessee was computed & assessed at **Rs. 2,26,38,386/-**. **The original return of income was not filed**. Income as per the ROI filed **u/s 148 was NIL**. The addition of **Rs. 2,26,38,386/-** was made on account of **cash deposit** with Jila Sahakari Kendriya Bank Maryadit as per Para 3.4 of the aforesaid assessment order. The aforesaid assessment order bears no:- ITBA/AST/S/147/2023-24/1058322765(1) and that the same is dated 29/11/2023, which is herein after referred to as the **"impugned assessment order"**.

2.2 The assessee is a **cooperative society** and had not filed its return of income for AY 2015-16. Subsequently the information was received by the income tax dept. that during the year under consideration the assessee had entered into the following transactions:-

<i>S.No.</i>	<i>Details of transactions</i>	<i>Amount involved (in Rs.)</i>
1	Cash deposited in bank account maintained with Jila Sahakari Kendriya Bank Maryadit	2,03,41,206/-
	<i>Total</i>	2,03,41,206/-

2.3 In the “**impugned assessment order**” it is also recorded that the notice u/s 148 of the Act was issued on **08/04/2022**. In-compliance to the said notice the assessee filed its return of income for AY, 2015-16 on 30/04/2022 declaring total income at **NIL**.

2.4 It is recorded in the “**impugned assessment order**” that several opportunities were given to the assessee as and by way of the notices u/s 143(2) and 142(1) of the act. The letters and show cause notices were issued to the assessee. The assessee however has not complied with any of the notices. The relevant details are as under:-

Prathmik Krashi Sakh Sahakari Samiti
ITA No. 632 & 633/Ind/2025 - A.Y.2015-16 & 2016-17

Type of notice/communication	Date of notice/communication	Date of compliance given	Response of the assessee received/ not received	Date of response if received	Response type (Full/ part/ adjournment)
Notice u/s 148	08.04.2022	30 days	Received	30.04.2022	Return of income filed u/s 148
Notice u/s 142(1)	22.12.2022	06.01.2023	Not received	NA	NA
Notice u/s 142(1)	13.01.2023	20.01.2023	Not received	NA	NA
Notice u/s 143(2)	31.05.2023	15.06.2023	Not received	NA	NA
Notice u/s 142(1)	04.08.2023	21.08.2023	Not received	NA	NA
Reminder Letter	25.09.2023	5 Days	Not received	NA	NA

SCN u/s 144 r.w.s. 144B(1)(ix)	27.10.2023	06.11.2023	Not received	NA	NA
SCN u/s 144 r.w.s. 144B(1)(xii)(b)	10.11.2023	20.11.2023	Not received	NA	NA

Details of Centralized Communication:

Date on which Communication was sent through Speed post	Address on which Communication was sent	Details of Speed Post Consignment Number
22.06.2023 (Date of letter: 22.06.2023)	Prathmik Krashi Sakh Shakari Samiti Tarvariya, Sikonj, Vidisha, Madhya Pradesh, India -464228	JA276857071IN

2.5 In the “impugned assessment order” it is recorded as under:-

income Rs. NIL. The assessee, however, failed to submit any reply to the notices/letter issued during the course of assessment proceedings. In absence of any reply from the assessee, a notice under section 133(6) of the Act was issued to the Jila Sahakari Kendriya Bank Maryadit and copy of the assessee's bank statements for AY 2015-16 was called for. In compliance the Jila Sahakari Kendriya Bank Maryadit has submitted the copies of all the bank accounts maintained by the assessee during AY 2015-16. On perusal of the bank statement it is seen that there are cash deposits of Rs. 2,26,38,386/- in the assessee's bank accounts.

Issue 1 - Cash Deposits: On perusal of the bank statement submitted by the bank, it is observed that during the FY 2014-15, relevant to AY 2015-16, the assessee has deposited the cash to the extent of Rs. 2,26,38,386/- in the bank accounts maintained with the Jila Sahakari Kendriya Bank Maryadit, as under:

Details of Cash Deposits in Account No. 675101003289			
S. No.	Date	Particular	Amount (in Rs.)
1	05.04.14	Cash Deposit	42000
2	07.04.14	Cash Deposit	122000
3	09.04.14	Cash Deposit	16100
4	15.04.14	Cash Deposit	32950

Prathmik Krashi Sakh Sahakari Samiti
ITA No. 632 & 633/Ind/2025 - A.Y.2015-16 & 2016-17

5	22.04.14	Cash Deposit	58800
6	30.04.14	Cash Deposit	533350
7	02.05.14	Cash Deposit	173000
8	06.05.14	Cash Deposit	976150
9	07.05.14	Cash Deposit	94000
10	09.05.14	Cash Deposit	294900
11	12.05.14	Cash Deposit	168050
12	15.05.14	Cash Deposit	943200
13	17.05.14	Cash Deposit	632500
14	20.05.14	Cash Deposit	529650
15	21.05.14	Cash Deposit	778850
16	22.05.14	Cash Deposit	256500
17	22.05.14	Cash Deposit	331400
18	24.05.14	Cash Deposit	21100
19	27.05.14	Cash Deposit	823850
20	29.05.14	Cash Deposit	526100
21	31.05.14	Cash Deposit	268100
22	03.06.14	Cash Deposit	243800

Prathmik Krashi Sakh Sahakari Samiti
ITA No. 632 & 633/Ind/2025 - A.Y.2015-16 & 2016-17

23	10.06.14	Cash Deposit	289800
24	12.06.14	Cash Deposit	1490700
25	19.06.14	Cash Deposit	1266000
26	19.06.14	Cash Deposit	205700
27	24.06.14	Cash Deposit	23300
28	03.07.14	Cash Deposit	50000
29	04.07.14	Cash Deposit	74300
30	11.07.14	Cash Deposit	8300
31	17.07.14	Cash Deposit	800
32	21.08.14	Cash Deposit	382300
33	22.08.14	Cash Deposit	68000
34	27.08.14	Cash Deposit	15051
35	15.09.14	Cash Deposit	4000
36	10.10.14	Cash Deposit	69500
37	21.10.14	Cash Deposit	7500
38	10.11.14	Cash Deposit	172300
39	14.11.14	Cash Deposit	456300
40	19.11.14	Cash Deposit	408800

Prathmik Krashi Sakh Sahakari Samiti
ITA No. 632 & 633/Ind/2025 - A.Y.2015-16 & 2016-17

41	29.11.14	Cash Deposit	191600
42	08.12.14	Cash Deposit	225200
43	09.12.14	Cash Deposit	261800
44	11.12.14	Cash Deposit	179500
45	13.12.14	Cash Deposit	197200
46	19.12.14	Cash Deposit	4050
47	20.12.14	Cash Deposit	256000
48	27.12.14	Cash Deposit	505200
49	29.12.14	Cash Deposit	458000
50	30.12.14	Cash Deposit	107300
51	02.01.15	Cash Deposit	554400
52	07.01.15	Cash Deposit	5200
53	13.01.15	Cash Deposit	120500
54	22.01.14	Cash Deposit	140900
55	20.02.15	Cash Deposit	6250
56	13.03.15	Cash Deposit	97000
57	16.03.15	Cash Deposit	115500
58	17.03.15	Cash Deposit	820675

Prathmik Krashi Sakh Sahakari Samiti
ITA No. 632 & 633/Ind/2025 - A.Y.2015-16 & 2016-17

59	23.03.15	Cash Deposit	35000
60	23.03.15	Cash Deposit	180200
61	23.03.15	Cash Deposit	60000
62	24.03.15	Cash Deposit	22000
63	25.03.15	Cash Deposit	304430
64	26.03.15	Cash Deposit	474000
65	30.03.15	Cash Deposit	1904600
66	31.03.15	Cash Deposit	145800
Total Cash deposits in A/c No. 675101003289			2,02,31,306/-
Details of Cash Deposits in Account No. 675101000095			
67	28.04.14	Cash Deposit	56500
Total Cash deposits in A/c No. 675101000095			56,500/-
Details of Cash Deposits in Account No. 675101000302			
68	13.06.14	Cash Deposit	225000
Total Cash deposits in A/c No. 675101000302			2,25,000/-

Prathmik Krashi Sakh Sahakari Samiti
ITA No. 632 & 633/Ind/2025 - A.Y.2015-16 & 2016-17

Details of Cash Deposits in Account No. 675101000506			
69	09.06.14	Cash Deposit	116000
70	30.06.14	Cash Deposit	136500
71	10.07.14	Cash Deposit	56900
72	18.07.14	Cash Deposit	13500
73	31.07.14	Cash Deposit	150200
74	26.08.14	Cash Deposit	62000
75	03.09.14	Cash Deposit	63450
76	04.10.14	Cash Deposit	175200
77	16.10.14	Cash Deposit	117500
78	28.10.14	Cash Deposit	58300
79	17.11.14	Cash Deposit	38800
80	21.11.14	Cash Deposit	70000
81	29.11.14	Cash Deposit	48000
82	01.12.14	Cash Deposit	61500
83	11.12.14	Cash Deposit	24200
84	26.12.14	Cash Deposit	86000
85	31.12.14	Cash Deposit	87850

86	30.01.15	Cash Deposit	71500
87	25.02.15	Cash Deposit	72300
88	04.03.15	Cash Deposit	68950
89	11.03.15	Cash Deposit	41700
90	21.03.15	Cash Deposit	50300
91	30.03.15	Cash Deposit	202180
92	31.03.15	Cash Deposit	252750
Total Cash deposits in A/c No. 675101000506			21,25,580/-
Total Cash Deposits made during the year			2,26,38,386/-

2.6 The Assessee was issued a show cause under section **144** rws **144B (1)(xii)(6)** on **10/11/2023** asking them to show cause as to why the amount of **Rs. 2,26,38,386/-** should not be added to its income. The assessee, however has neither submitted any reply nor submitted the source of cash deposit of **Rs. 2,26,38,386/-**. The assessee has failed to explain the nature and source of cash deposits in its bank accounts. Ultimately by the

“impugned assessment order” the Ld. AO has treated the amount of cash deposit of **Rs. 2,26,38,386/-** as an unexplained money u/s 69A of the Act.

2.7 That the assessee being aggrieved by the aforesaid **“impugned assessment order”** prefers the first appeal u/s 246A of the Act before the Ld. CIT (A) who by the **“impugned order”** has dismissed the first appeal of the assessee on the grounds and reasons stated therein. The core grounds and reasons for the dismissal of the first appeal were as under:-

“5. The appellant’s appeal was fixed for hearing on the following dates:

S.No.	Hearing notice dated	Hearing date	Remarks
1.	25.11.2024	02.12.2024	No compliance
2.	10.12.2024	16.12.2024	No compliance
3.	25.02.2025	6.3.2025	No compliance

5.1 There were no compliance to notices which were sent on the email id i.e. *pacssironj@gmail.com* mentioned in Form No.35 filed by the appellant. Notices were also uploaded on the web portal of the department during the appellate proceedings, login rights whereof were available to the appellant. Despite given repeated opportunities of being heard, there has been no compliance to the notices. It is apparent that the appellant is not interested in pursuing his appeal. In the absence of any submission from the appellant, the grounds of appeal are decided on merits on the basis of facts available on record. In result appeal of the assessee is dismissed.

2.8 The assessee being aggrieved by the “**impugned order**” has preferred the instant second appeal before this tribunal and has raised the following grounds of appeal in the form no. 36 against the “**impugned order**” which are as under:-

“1. That the order of the NFAC is perverse, erroneous and is not tenable on facts and in law and also in breach of principle of natural justice.

2. That the Order of the NFAC erred in confirming the Re-Assessment Order dated 20/05/2025 as same is barred by limitation and without jurisdiction

2.1 That the Ld. NFAC and the Ld. Assessing Officer erred in confirming the re-assessment order dated 29.11.2023 for A.Y. 2015-16, as the same is barred by limitation in view of the recent judgment of the Hon'ble Supreme Court in Union of India v. Rajiv Bansal [2024] 167 taxmann.com 70 (SC).

2.2 That the CIT(A) NEAC erred in confirming the addition of Rs 2,26,38,386/-11/s 69A.

2.3 That the CIT(A) NFAC has erred in confirming the addition of Rs. 1142500/- being cash deposited in bank accounts without appreciating that the said cash was qua the repayment of loan by farmers.

2.4 That the CIT (A) NFAC has erred in confirming the addition u/s 69A without appreciating that provision of Section 69A is not applicable in case of cash deposit duly recorded in the audited books of account and offered as income. that in the present case the assessee himself has declared the amount of cash deposited in the return of income after duly entering the same in the books of account. Thus the provision of section 69A is not applicable and has wrongly been invoked.

2.5 That the CIT (A) NFAC failed to note that Sec. 69A of the Act is applied when the assessee is found to be owner of any money which is not recorded in the books of account. However, in the case of the assessee, it has maintained books of accounts duly audited in accordance with section 44AB of the Income Tax Act which was also furnished with the return of income filed by the assessee. The assessee has demonstrated from the books of account that source of cash deposited was out of re-payment made by the Farmers against their loans.

3. The appellant craves permission to raise additional grounds and to amend or alter the foregoing ground before the appeal is finally decided.”

3.

Record of Hearing

3.1 The hearing in the matter took place before this Tribunal on **19.01.2026** when the Ld. AR for & on behalf of the Assessee appeared before us & interalia contended that the **“Impugned Order”** is bad in law, illegal & not Proper. It is in the violation of the principles of natural justice. It therefore deserves to be set aside. It was submitted that even the **“impugned assessment order”** is ex-parte and bad in law. No legitimate reason was given by the Ld. AR as to why both the orders of lower authorities are ex-parte despite service of notice(s) etc. The Ld. AR had nothing to reply. Per contra Ld. DR appearing for the revenue submitted that since the assessee is a society and deals with the agriculture, agriculture produce, farmers, at ground level the revenue has no objection if the impugned order is set aside and the matters is remanded back to the file of the Ld. AO on denovo basis with a cost of Rs. 5000/- in each appeal.

4. **Observations Findings & conclusions**

4.1 We have to decide the legality, validity and propriety of the **“impugned order”** basis records of the case & the rival submission canvassed before us.

4.2 We have carefully perused the records of the case and have heard the submissions.

4.3 We basis records of the case & after hearing & upon examining the rival contentions of the Ld. AR & the Ld. DR canvassed before us, are of the considered opinion that both the **“impugned assessment order”** as well as the **“impugned order”** are ex-parte. The core issue has not been adjudicated and adjudged basis merits so this tribunal desires that total income of the assessee should be computed and assessed on the real time basis exigible to tax in accordance with law by following the due process of law under the Act. This tribunal also expects the assessee to be compliant as and when notices etc. are issued. In brief this tribunal desires the meritorious disposal of both the **“impugned assessment order”** as well as **“impugned order”**. The assessee cooperation in this regard **assumes importance**. The assessee cannot go in **slumber mode**. In the result we are of the considered opinion that the **“impugned order”** should be set aside and matter should be

remanded back to the file of Ld. AO for passing a fresh order on merits of the case.

4.4 In the premises drawn up by us, we set aside the **“impugned order”** and remand the case back to the file of Ld. AO on denovo basis subject to the payment of cost of Rs.5000/- in each appeal as & by way of deterrent measures & to ensures compliances on the part of the assessee. The cost of Rs.5000/- shall be paid as & by way of a challan under category “others” to income tax department & the Ld. AO shall take up the denovo adjudication only after necessary proof is shown to him. The assessee is directed not to take any credit of said cost against any taxes, penalty etc.

5

Order

5.1 In the result the **“Impugned order”** is set aside as and by way of remand back to the file of the Ld. AO with directions as aforesaid.

5.2. Appeal of the assessee is allowed for statistical purpose.

ITA NO.633/Ind/2025 (AY 2016-17)

5.3 The facts and circumstances of the ITA No.- 633/Ind/2025 (AY 2016-17) are more or less similar and identical to ITA No.632/Ind/2025. This matter was heard too with consent of both the parties on 19/01/2026. Hence order made in ITA No-632/Ind/2025 would apply **mutatis mutandis** to appeal no. 633/Ind/2025.

5.4 In result **"impugned orders"** in both appeals are set aside as and by way of remand to Ld. AO with directions as aforesaid.

5.5 **Both appeals allowed for statistical purpose.**

Pronounced in open court on 30.01.2026.

Sd/-

(BHAGIRATH MAL BIYANI)
ACCOUNTANT MEMBER

Sd/-

(PARESH M JOSHI)
JUDICIAL MEMBER

Indore

Dated : 30/01/2026

Patel/Sr. PS

Copies to: (1) The appellant
(2) The respondent
(3) CIT
(4) CIT(A)
(5) Departmental Representative
(6) Guard File

By order

Senior Private Secretary
Income Tax Appellate Tribunal
Indore Bench, Indore