

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: "SMC" NEW DELHI**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER**

**ITA No.8892/Del/2025  
Assessment Year: 2017-18**

Shivam Agarwal, 51, Shree Ram Palace, Meerut, Uttar Pradesh-250002	<b>Vs.</b>	Income Tax Officer, Ward-1(2)(5), Ayakar Bhawan, Bhainsali Ground, Meerut, Uttar Pradesh-250002
<b>PAN:AHIPA2520J</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	Shri Rohit Agarwal, CA
<b>Department by</b>	Sh. Manoj Kumar, Sr. DR

<b>Date of hearing</b>	<b>27.01.2026</b>
<b>Date of pronouncement</b>	<b>27.01.2026</b>

**ORDER**

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 & Order No: ITBA/NFAC/S/250/2025-26/1083079658(1), dated 27.11.2025 involving proceedings under section 147 r.w.s. 263 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

Heard both the parties. Case file perused.

2. It transpires during the course of hearing that both the learned lower authorities' have made section 69A unexplained

money addition made of Rs.11.04 lakhs in the assessee's hands which represents his cash deposits during demonetization; in assessment order dated 25.03.2025 as upheld in the lower appellate discussion.

3. That being the clinching factual position, the Revenue could hardly dispute that the assessee has already been admitted as engaged in the jewellery business in the name and style of his proprietary concern Shri Radhe Diamonds. He has further claimed that the impugned cash deposits are realized from his regular customer during demonetization period which followed their confirmations filed before the learned lower authorities as well. The fact however remains that the assessee couldn't reconcile and verify all these relevant facts in his explanation to the entire satisfaction of both the learned lower authorities. Be that as it may, it is deemed appropriate in these peculiar facts that a lumpsum addition of Rs.1 lakh only would be just and proper with a rider that the same shall not be treated as precedent. The assessee gets relief of Rs.10.04 lakhs in other words. Necessary computation shall follow as per law.

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. The assessee's appeal is partly allowed.

*Order pronounced in the open court on 27<sup>th</sup> January, 2026.*

**Sd/-**

**(SATBEER SINGH GODARA)  
JUDICIAL MEMBER**

Dated: 27<sup>th</sup> January, 2026.

*Shekhar*

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi