

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

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

**ITA No.8704/Del/2025  
Assessment Year: 2012-13**

Raj Kumar Kapoor, B-2/43, 1 <sup>st</sup> Floor, Paschim Vihar, New Delhi-110063	<b>Vs.</b>	Income Tax Officer, Ward-41(3), Civic Centre, Minto Road, New Delhi-110002
<b>PAN: APLPK3456L</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

<b>Assessee by</b>	Shri V. Raj Kumar, Adv
<b>Department by</b>	Sh. Manoj Kumar, Sr. DR

<b>Date of hearing</b>	22.01.2026
<b>Date of pronouncement</b>	22.01.2026

**ORDER**

This assessee's appeal for assessment year 2012-13, 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/250/2022-23/1047998826(1), dated 14.12.2022 involving proceedings under section 144 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

Heard both the parties. Case file perused.

2. Delay of 1029 days in assessee's filing of the instant appeal is condoned going by his petition dated 23.12.2025 explaining the reasons thereof on account of circumstances beyond his

control and going by the decision of Collector Land Acquisition vs. Mst. Katiji & Ors (1987) 167 ITR 471 (SC).

3. Next come to the sole and substantive issue between the parties, the assessee/appellant is admittedly aggrieved against the lower authorities' action in respect of order treating his cash deposit of Rs.22,17,700/- as unexplained under section 68 of the Act; in assessment order dated 26.11.2019 as upheld in lower appellate action.

4. That being the case, this tribunal hereby notices from a perusal of case records that the assessee/appellant is engaged in trading business of electronic items. He further appears to have deposited cash of Rs.12.29 lakhs in Assessment Year 2011-12 which stood accepted in the Assessing Officer's section 143(3) assessment framed on 06.12.2018 (page-10 of the paper book). All this gives rise to a prima facie inference in assessee's favour and against the department is that the impugned cash deposits represent his cash sales turn over and cash in hand which could not be reconciled and verified in both the lower proceedings in entirety.

5. Be that as it may, it is thus deemed appropriate and in the larger interests of justice that a lumpsum addition of only

Rs.2 lakhs in the given facts would be just and proper with a rider that the same shall not be treated as precedent. The assessee gets relief of Rs.20,17,700/- lakhs in other words. Necessary computation shall follow as per law.

5. 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.

6. This assessee's appeal is partly allowed.

***Order pronounced in the open court on 22<sup>nd</sup> January, 2026.***

***Sd/-***  
**(SATBEER SINGH GODARA)**  
**JUDICIAL MEMBER**

Dated: 22<sup>nd</sup> January, 2026.

*Shekhar*

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi