

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

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

**ITA No.8776/Del/2025
Assessment Year: 2017-18**

Kamal Gupta, 31/51, Street No.2, Bhikam Singh Colony, Near Harsh Apartment, Opp. Vishwas Nagar, New Delhi-110032	Vs.	Income Tax Officer, Civic Centre, Delhi-110001
PAN: ALYPG8631Q		
(Appellant)		(Respondent)

Assessee by	Shri Amit Kumar, CA
Department by	Sh. Manoj Kumar, Sr. DR

Date of hearing	22.01.2026
Date of pronouncement	22.01.2026

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/250/2025-26/1082843304(1), dated 21.11.2025 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. It transpires at the outset during the course of hearing with the able assistance coming from both the parties that the learned lower authorities respective assessment as well as lower appellate discussion; as the case may be, have held the assessee's cash deposit amounting to Rs.13.76 lakhs as unexplained under section 69A r.w.s. 115BBE of the Act.

3. That being the case, the Revenue could hardly dispute that not only assessee/appellant is a salaried individual but also he had filed his detailed explanation and evidence that the impugned cash deposit represents his accumulated past savings as well as his family members respective cash in hand through a chart which has been duly extracted at page-3 of the assessment order. The fact also remains that all these explanations could not evoke both the learned lower authorities concurrence which has resulted in the impugned addition.

4. Be that as it may, this Tribunal is of the considered opinion that possibility of cash in hand in the assessee and family members cases could not be altogether as well It is deemed appropriate that 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 on of

Rs.11.76 lakhs in very terms. 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 22nd January, 2026.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 22nd January, 2026.

Shekhar

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi