

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“DB” BENCH, AMRITSAR**

**VIRTUAL HEARING**

**BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM**  
**AND**  
**SHRI UDAYAN DASGUPTA, JM**

**आयकरअपीलसं. / ITA No.63/ASR/2025**  
**(निर्धारणवर्ष / Assessment Year: 2014-15)**

<b>Shri Lakhvir Singh</b> H No. 16, Kotshimir Wala Kacha Rasta, Village Chathe Wala, Bhatinda Punjab - 151302	<b>बनाम/ Vs.</b>	<b>ITO Ward 1(1)</b> Aaykar Bhawan, Bhatinda Punjab - 151302
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>FBGPS-2609-K</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थीकीओरसे/ <b>Appellant by</b>	:	Sh. Vipul Arora (CA) – Ld. AR
प्रत्यर्थीकीओरसे/ <b>Respondent by</b>	:	Sh. Charan Dass (Addl. CIT) - Ld. Sr DR

सुनवाईकीतारीख/ <b>Date of Hearing</b>	:	03-02-2026
घोषणाकीतारीख / <b>Date of Pronouncement</b>	:	05-02-2026

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2014-15 arises out of an order of learned Commissioner of Income Tax (Appeals), NFAC dated 25-11-2024 in the matter of an assessment framed by Ld. AO on *best judgment basis* u/s 147 r.w.s. 144 on 23-03-2022. Having heard rival submissions, the appeal is disposed-off as under.

2. The assessee did not file return of income and the case of the assessee was reopened to verify the cash deposits and investment in FDRs. The assessee remained non-compliant and accordingly, Ld. AO assessed income of Rs.136.74 Lacs.

3. The assessee's submissions during first appeal were subjected to remand proceedings. The assessee sought to explain the sources of cash deposits and contended that the deposits were sourced from sale of crops, interest free loans, gifts and cash withdrawals etc. which are tabulated at para 6.8 of the impugned order. The Ld. CIT(A), considering assessee's submissions, upheld addition of Rs.41.50 Lacs and deleted the remaining addition. The legal ground questioning reopening was dismissed on the ground that Ld. AO had sufficient reasons to reopen the case of the assessee. Aggrieved, the assessee is in further appeal before us.

4. The Ld. AR assailed reopening on the ground that the amount of deposit for Rs.114.01 Lacs and cash deposit of Rs.22.50 Lacs as stated by Ld. AO while reopening the case of the assessee was factually incorrect. The assessee deposited cash of Rs.49.50 Lacs. On merits, the Ld. AR, in the written submissions, has sought to explain the deposits from different sources. The Ld. Sr. DR pleaded for dismissal of the appeal.

5. It is clear that the assessee remained non-filer. Pursuant to receipt of information of deposit by the assessee, Ld. AO formed prima-facie belief of escapement of income and reopened the case of the assessee. At the time of reopening, in our considered opinion, it

was not incumbent upon Ld. AO to quantify the exact escapement of income. The only requirement was possession of tangible material suggesting escapement of income. This condition, in the present case, has duly been fulfilled and therefore, no fault could be found in reopening. The corresponding legal grounds as urged by Ld. AR stand dismissed.

6. On merits, upon perusal of written submissions, we find merit in the same and find that the assessee could be in a position to substantiate the source of remaining deposits of Rs.41.50 Lacs. For the said purpose, we grant another opportunity of hearing to the assessee before Ld. CIT(A). Accordingly, the issue of impugned addition of Rs.41.50 Lacs stand restored back to Ld. CIT(A) for fresh adjudication with a direction to the assessee to plead and prove its case forthwith.

7. The appeal stand partly allowed for statistical purposes.

Order pronounced on 05<sup>th</sup> February, 2026.

-Sd-

**(UDAYAN DAS GUPTA)**  
**JUDICIAL MEMBER**

-Sd-

**(MANOJ KUMAR AGGARWAL)**  
**ACCOUNTANT MEMBER**

Dated: 05-02-2026

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AMRITSAR