

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 9172/Del/2025 : Asstt. Year: 2017-18

Yogesh Pruthi, J-13/5, Patel Market, Rajouri Garden, Delhi-110027 (APPELLANT)	Vs	ACIT, Circle-43(1), New Delhi-110002 (RESPONDENT)
PAN No. AAMPP9771F		

**Assessee by: Sh. N. K. Chand, Adv. &
Sh. Manish Upneja, CA
Revenue by : Sh. Manoj Kumar, Sr. DR**

Date of Hearing: 29.01.2026	Date of Pronouncement: 29.01.2026
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ORDER

This assessee's appeal for Assessment Year 2017-18 arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/NFAC/S/250/2025-26/1082942685(1) dated 24.11.2025, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. Coming to the assessee's sole substantive ground canvassed in the instant appeal, he is stated to be aggrieved against both the learned lower authorities respective assessment and lower appellate findings holding his cash deposits during demonetization amounting to Rs.28,01,000/- as unexplained u/s 68 r.w.s. 115BBE of the Act.
4. That being the case, it is noticed that the assessee's principle business activity of running furniture sales and

trading etc. is not in dispute as fairly admitted in assessment order itself. All this gives rise to *prima facie* the necessary inference that the impugned cash deposits represent his business sales in cash only since involving an un-organized retail sector. Be that as it may, it is deemed appropriate that a lump sum addition of Rs.2,01,000/- representing GP only would be just and proper with a rider that the same shall not be treated as a precedent. The assessee gets relief of Rs.26,00,000/- in other words. Necessary computation shall follow as per law.

5. So far as assessee's assessment under Section 115BBE is concerned, I quote S.M.I.L.E Microfinance Limited Vs. The ACIT CC-1 in W.P.(MD) No.2078 of 2020 & W.M.P. (MD) No. 1742 of 2020 held that the said provision applied for transactions done on or after 01.04.2017 only. The assessee is accordingly directed to be assessed under normal provisions only.

6. This assessee's appeal is partly allowed.

Order Pronounced in the Open Court on 29/01/2026.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 29/01/2026

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR