

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AMRITSAR BENCH, AMRITSAR**

**(PHYSICAL COURT)**

**BEFORE SH. MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER  
AND SH. UDAYAN DASGUPTA, JUDICIAL MEMBER**

**I.T.A. No. 649/Asr/2024**  
Assessment Year: 2017-18

Narinder Kumar,  
Bassi Khawaju, H. No. 311,  
Street No. 4, Hoshiarpur  
146001, Punjab  
[PAN: CKGPK 2437K]

Vs.

Income Tax Officer,  
Ward-3, Hoshiarpur

**(Appellant)**

**(Respondent)**

Appellant by	:	Sh. Lakshay Bansal, C. A.
Respondent by	:	Sh. Charan Dass, Sr. D. R.
Date of Hearing	:	22.01.2026
Date of Pronouncement	:	20.02.2026

**ORDER**

**Per Udayan Dasgupta, J.M.:**

This appeal is filed by the assessee against the order of the Id. CIT (A) NFAC, Delhi dated 28.03.2024 passed u/s 250 of the Income Tax Act, 1961 which has emanated from the order of the ITO, Ward-3, Hoshiarpur dated 13.12.2019 passed u/s 144 of the Income Tax Act, 1961.

2. **Condonation of delay:** It is pointed out by the registry, that the appeal is belatedly filed by 183 (*one hundred eighty three*) days. The assessee has filed an application requesting for condonation of delay along with an affidavit stating that the appellate order has been passed on 28.03.2024 during the time when the assessee was residing in USA and from the enclosed copy of the passport, it is seen that he has returned to India on 08.05.2024 and thereafter he was medically ill and was under medical treatment as a Covid Positive patient (*as per medical certificate enclosed by Gulati Hi-Tech Path Lab, Hoshiarpur on 11<sup>th</sup> May, 2024, SARS-COV-2 RT-PCR (Positive).* Thereafter, (*being a senior citizen*), he was advised complete bed rest and subsequently somewhat recovering, he has managed to file this appeal before the Hon'ble Tribunal belated by 183 days. (*He has enclosed copies of passport and certificates of medical treatment from Gulati Hi-Tech Path Lab, Hoshiarpur as proof in support of his contention.*

3. Considering the contents of the affidavit and the medical certificate issued, we condone the delay and admit the appeal to be heard on merits.

4. Brief facts are that the assessee is a senior citizen of about 70 (seventy) years and has been residing along with his wife (*both being senior citizens*) and has no income earning activity at present. The assessee has deposited cash in bank during the

demonetization period in two bank A/c with ICICI bank A/c xxxxxx6761 and in HDFC Bank, Hoshiarpur totaling Rs.11,99,000/-. Since no explanations could be offered regarding source of this bank deposits, the Assessing Officer allowed a benefit of Rs.2,48,500/- to the assessee and has added back the balance amount of Rs.9,50,500/- to the total income as un-explained cash deposits u/s 69A and completed the assessment accordingly.

5. The matter was carried in appeal has been dismissed by the CIT(A) in absence of any response to various notices issues from the office of the Id. first appellate authority by observing as follows:

*“As to the merits of the case, the grounds of appeal involved are regarding additions on account of unexplained cash deposits to the tune of Rs.9,50,500/- by the Assessing Officer. The appellant contended that the Assessing Officer has made the addition on presumptions and surmises and without any basis. It is noticed that the appellant had not responded to the various statutory notices issued and no documentary evidence has been submitted. The appellant had not responded to the notices of hearing during the appellate proceedings nor filed any written submissions. Merely making a ground of appeal is not sufficient to consider any claim; onus lies on the appellant to prove that required material evidence has been filed to substantiate its claim. Hence, I hold that the additions made by the AO amounting to Rs.9,50,500/- is in order and no interference is called for. The addition made by the AO is confirmed.”*

6. Now, before the Tribunal, the Id. AR of the assessee submitted that the assessee and his wife (both being senior citizens) are living alone and their children are in USA and the assessee keeps cash at home for medical emergency and for day to day expenses because it was not possible to visit the bank on regular basis. It is also

submitted that the appellant had no business or any other source of income and this money deposited in bank is the accumulated balance received from their children over the years, which was kept in cash at his home. He further submitted that the ICICI bank A/c No. xxxxxx6761 is a joint account held with the appellants wife *Smt. Vijay Kumari* and the cash deposited in bank during the demonetization period, jointly belongs to the assessee and his wife and he prays that the matter may be remanded back to the files of the Id. CIT(A) for fresh adjudication on merits of the case.

7. The Id. DR relied on the order of the Id. CIT(A) and submitted that it is a case where the assessee does not have any source of income or any independent business and no documentary evidences has been furnished before the AO or before the Id. CIT(A) regarding the existence of money or *transfer of funds from abroad* except his word of mouth. He further submitted the total cash deposit during the demonetization period was *Rs.11.99 lacs* out of which the AO has allowed the benefit of an amount of *Rs.2.48 lacs* to the assessee being available cash in hand out of past savings, and has considered the balance amount of *Rs.9.50 lacs* as unexplained. He further submitted that in absence of any evidences to support the contention of the assessee that the funds has been transferred or received from abroad from his children, no further benefit should be allowed to the assessee and he prayed for sustaining the appeal order.

8. We have heard the rival submissions and seen the copy of the bank A/c submitted by the assessee in ICICI bank and we find that the bank account belongs to the assessee and his wife *Vijay Kumari* jointly being *A/c No. xxxxx76761*. We also take note that the assessee has no other independent source of income and the assessee and his wife are residing alone with monetary help received from childrens but no documentary evidences has been submitted regarding the receipt of funds from abroad through proper channel.

9. Considering the factual aspect of the matter based on the affidavit furnished by the assessee, we note that out of total deposit of *Rs.11.99 lacs* benefit of *Rs.2.48 lacs* has already been allowed by the AO, leaving the remaining balance of *Rs.9.50 lacs as taxable*.

10. We also consider that the bank account is a joint bank account held with his wife and as such we further allow the assessee the benefit of *Rs.2.50 lacs* being the cash availability with the wife as on the date of demonetization, plus a further amount of *Rs.3 (three) lacs* to the assessee as accumulated balance of past savings.

11. Resultantly, the assessee is left with a balance of *Rs.4 (four lacs approx.) lacs* which may be treated as his total income for the purpose of taxation at normal rate (as per the law laid down by the Hon'ble Madras High Court in the case of *SMILE Microfinance Ltd. v. ACIT* (2024 taxcom (H.C.) 2388/WP(4D) No. 2078 of 2020).

12. In the result, the appeal of the assessee is partly allowed.

*Order pronounced in accordance with Rule 34(4) of the Income Tax (Appellate Tribunal) Rules, 1963 as on 20.02.2026*

**Sd/-  
(Manoj Kumar Aggarwal)  
Accountant Member**

**Sd/-  
(Udayan Dasgupta)  
Judicial Member**

*\*GP/Sr.PS\**

Copy of the order forwarded to:

- (1) The Appellant:
- (2) The Respondent:
- (3) The CIT concerned
- (4) The Sr. DR, I.T.A.T

True Copy  
By Order