

**IN THE INCOME TAX APPELLATE TRIBUNAL  
JABALPUR BENCH "SMC", JABALPUR**

**(VIRTUAL HEARING)**

**BEFORE SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

I.T.A. No.169/JAB/2024  
Assessment year:2017-18

Usha Jain Near Nakhare Bada, Rampura Ward, Sagar, Madhya Pradesh- 470002. PAN:ADKPJ4685K (Appellant)	Vs.	Income Tax Officer Ward-2 Income Tax Office, Aayakar Bhawan, Civil Lines, Sagar- 470001. (Respondent)
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Appellant by	Shri Sapan Usrethe, Advocate.
Respondent by	Shri N. M. Prasad, Sr. DR-1

**ORDER**

(A) This appeal vide I.T.A. No.169/JBP/2024 has been filed by the assessee for assessment year 2017-18 against impugned appellate order dated 29.05.2024 (DIN & Order No.ITBA/NFAC/S/250/2024-25/1065217166(1) of Commissioner of Income Tax (Appeals) ["CIT(A)" for short].

(B) In this case, assessment order dated 13.09.2021 was passed by the Assessing Officer ("AO", for short) u/s 147 read with section 144B of the Income Tax Act, 1961 ("Act", for short) whereby the assessee's total income determined at Rs.10,67,500/-. There were cash deposits in the bank account, totaling the aforesaid amount of Rs.10,67,500/-. The Assessing Officer made the addition of the entire amount of Rs.10,67,500/- u/s 69A of I.T. Act. Being aggrieved, the assessee filed appeal in the office of learned CIT(A). Vide impugned appellate order dated 29.05.2024, the assessee's appeal was dismissed by the learned CIT(A).

(C) At the time of hearing, the learned Authorized Representative for the assessee submitted that the Assessing Officer had not granted adequate and proper opportunity of being heard, as only one notice dated 25.07.2023 was issued during the course of assessment proceedings. It was contended that the assessment order was passed without affording sufficient opportunity to the assessee to explain the facts of the case. The learned A.R. further submitted that assessee's business affairs were being looked after by the assessee's husband, who was suffering from a serious kidney ailment and, after prolonged medical treatment, expired on 05.10.2017. It was also contended that the Ld. CIT(A) confirmed the action of the Assessing Officer without properly appreciating the aforesaid factual circumstances and without granting effective relief. He submitted that the aforesaid amount of Rs.10,67,500/- was the assessee's receipts from business; and should be treated as business turnover. He further submitted that instead of the entire aforesaid amount of Rs.10,67,500/-; a reasonable percentage of net profit should be submitted. After some deliberations, representatives of both sides; the learned Counsel for the assessee and the learned Departmental Representative reached a consensus that the assessee's income may be determined by applying net profit rate of 15% of the aforesaid amount of Rs.10,67,500/-. In view of the foregoing and as representatives of both sides are in agreement on this; aforesaid amount of Rs.10,67,500/- is to be treated as business turnover; and the assessee's income is to be determined by applying net profit rate of 15% thereon. Considering the facts and circumstances of the case and the consensus arrived at between the parties, the Assessing Officer is directed to determine the assessee's income by applying net profit rate of 15% on the aforesaid amount of Rs.10,67,500/-. All grounds of appeal are treated as disposed of in accordance with the aforesaid order.

(E) In the result, the appeal of the assessee is partly allowed for statistical purposes.

(Order pronounced in the open court on 27/02/2026)

Sd/.  
**(ANADEE NATH MISSHRA)**  
**Accountant Member**

Dated: 27/02/2026  
Vijay Pal Singh, (Sr. PS)

**Copy of the order forwarded to :**

1. The Appellant
2. The Respondent.
3. Concerned CIT
4. D.R., I.T.A.T., Jabalpur