

IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 279/Ran/2025

(Assessment Year: 2019-20)

I.T.O., Ward 2(3), Ramgarh.	Vs.	Babita Prasad, Qtr No. 1/167 Sector 2B, Bokaro Steel City, Bokaro-827001, (Jharkhand) PAN No. AODPP 6894 E
Appellant/ Revenue		Respondent/ Assessee

Department represented by	Shri Kailash Gautam, Sr.DR
Assessee represented by	Mrs. Babita Prasad-Assessee
Date of hearing	11/02/2026
Date of pronouncement	05/03/2026

ORDER

PER: RATNESH NANDAN SAHAY, A.M.

1. This is an appeal filed by the revenue against the order of the Id. CIT(A), NFAC, Delhi in Appeal No. NFAC/2018-19/10335252 dated 24/06/2025 for the A.Y. 2019-20. Following grounds have been taken by the revenue.

- "1. That on the facts and in the circumstances of the case, the Ld. CIT(A) has erred in deleting the addition of Rs. 1,55,34,265/- made u/s 69A r.w.s 115BBE, ignoring that during assessment proceedings, despite several opportunities, the assessee failed to submit any valid reply/plausible explanation along with supporting documents in respect of the amount of Rs.1,55,34,265/- credited in her bank account.
2. That during assessment proceeding, despite several opportunities, the assessee failed to explain the source of the time deposit made with documentary evidence.
3. That the Ld. CIT(A) erred in admitting fresh evidence such as retirement benefit papers and joint bank documents in contravention of Rule 46A, without affording the AO proper opportunity to examine and rebut such evidences.
4. That the Ld. CIT(A) erred in law and facts in accepting the explanation of "Auto Sweep FD facility" without obtaining confirmation from the concerned bank and without proper verification.

5. *That the Ld. CIT(A) failed to appreciate that the assessee did not file her ITR either u/s 139(1) or u/s 148, which itself strengthens the inference of concealment and unexplained income.*
6. *That the Ld. CIT(A) overlooked the settled principle that the burden of proof lies upon the assessee to establish the genuineness of the sources of bank credits, which was not discharged.*
7. *That in view of the above, the order of the CIT(A) deserves to be set aside and the assessment order dated 20.03.2024 passed by the AO be restored.*
5. *That the applicant craves leave to add, alter, delete and modify the grounds of appeal before the Hon'ble ITAT."*

2. The brief facts of the case are that the assessee is a house wife and not having any regular sources of income, due to which, she did not file her return of income for the A.Y. 2019-20. As per the information available with the department, it was noticed that the assessee has deposited of Rs. 15,00,000/- in her bank account bearing account No. 1710100022659 maintained with Axis Bank Limited. She also received interest of Rs.3,944/- under Section 194A from Axis Bank Limited. The case of the assessee was reopened under Section 147 of the Income Tax Act, 1961 (in short, the Act). The Assessing Officer issued notice under Section 148 of the Act on 09-03-2023 and was duly served on the assessee. In response to notice under Section 148 of the Act, the assessee failed to file her return of income but the assessee filed a reply stating that fixed deposits were made in her name by her husband from his retirement benefits received from Bokaro Steel Plant. She further admitted that she received interest of Rs. 12,867/- which is below the taxable limit. The A.O. issued notices u/s 142(1) of Act on 05-10-2023. In response to which the assessee submitted computation of income, interest certificate, form 26AS and Account statement. On verification of the statement of bank account, the A.O noticed that, during the year under

consideration, the assessee received total credits of Rs.1,55,34,265/- in her Axis Bank account. A show-cause notice was issued on 08-02-2024. In response to the above notice, the assessee asked for a virtual hearing through video conferencing which was held on 24-02-2024. The A.O. noticed that the assessee failed to furnish the supportive evidence as called for, time to time. Since, the assessee failed to furnish the documentary evidence, the A.O. therefore, completed the assessment order under Section 147 r.w.s 144 of the Act on 20-03-2024 by making the additions of Rs. 1,55,34,265/- under Section 69A r.w.s. 115BBE of the Act.

3. Aggrieved by the order of the Assessing Officer, the assessee filed appeal before the Id. CIT(A), who vide the impugned order, deleted the addition made by the Assessing Officer by holding that the assessee has deposited Rs. 15,00,000/- in her bank account bearing A/c 1710100022659 maintained with Axis Bank Limited jointly held with her husband, Shri Anoop Prasad. She also received interest of Rs.3,944/- under Section 194A from Axis Bank Limited. The Id. CIT(A) also observed that the assessee received total of credits of Rs.1,55,34,265/- in her Axis Bank account. The assessee contended that she is house wife and received fixed deposit of Rs. 15,00,000/- in her name made by her husband upon receipt of his retirement benefits. On perusal of the documents submitted by the assessee, it is noticed that her husband, Shri Anoop Prasad, was the employee of Bokaro Steel Plant and was retired on 31-01-2019. His total retirement benefit was Rs.29,18,950/- out of which Rs. 3,22,070/- was deducted towards income tax. It is also noticed that all the

bank accounts and the FD/ RD were in the joint name of the assessee and her husband, Shri Anoop Prasad. With regard to the total credit of Rs. 1,55,34,265/- in her Axis Bank account, the assessee contended that the total credit transactions in her Axis Bank saving account is due to Auto Sweep feature active in her account in which fund available in account automatically gets debited and FD creates of that amount. After some time that FD automatically gets closed and the fund gets credited back in the account. It was just the rotation of same fund in the account. On verification of the statement of above mentioned bank account, it is noticed that from time to time FD accounts were credited and debited automatically due to auto swipe facility of the account. However, the A.O. simply ignored and failed to appreciate the proper analysis of the above transactions and the facts submitted by the assessee. Therefore, the Id. CIT(A) deleted the addition made by the A.O and allowed the appeal of the assessee.

4. Aggrieved by the order of the Id. CIT(A), the revenue has filed present appeal before this Tribunal.
5. The Id. Sr.DR for the revenue has supported the order of the Assessing Officer and submitted that during the assessment proceedings, despite several opportunities, the assessee failed to submit any valid reply/explanation alongwith supporting evidence in respect of the amount of ₹ 1,55,34,265/- credited in her bank account. The Id. Sr.DR submitted that the Id. CIT(A) has not right in admitting fresh evidence such as retirement benefit papers and joint bank documents in contravention of Rule 46A,

without affording the Assessing Officer proper opportunity to examine and rebut such evidences. The Id. Sr.DR submitted that the Id. CIT(A) has also not right in accepting the explanation of "Auto Sweep FD facility" without obtaining confirmation from the concerned bank and without proper verification. The Id. Sr.DR also submitted that the assessee has not filed her return of income either under Section 139(1) or under Section 148 of the Act. The Id. Sr.DR prayed that the order of the Assessing Officer may be upheld.

6. The assessee herself appeared to defend her case and vehemently supported the order of the Id. CIT(A).
7. We have considered the rival submissions and we find that the Id. CIT(A) has passed a speaking order considering all the materials available on record. The Id. CIT(A) held that assessee received total of credits of Rs.1,55,34,265/- in her Axis Bank account. The assessee is a house wife and received fixed deposit of Rs. 15,00,000/- in her name made by her husband upon receipt of his retirement benefits. The Id. CIT(A) also held that her husband, Shri Anoop Prasad, was the employee of Bokaro Steel Plant and was retired on 31-01-2019. His total retirement benefit was Rs.29,18,950/- out of which Rs. 3,22,070/- was deducted towards income tax. All the bank accounts and the FD/ RD were in the joint name of the assessee and her husband, Shri Anoop Prasad. With regard to the total credit of Rs. 1,55,34,265/- in her Axis Bank account, the Id. CIT(A) held that the total credit transactions in her Axis Bank saving account is due to Auto Sweep feature active in her account in which fund available in account automatically gets debited and FD credits of that

amount. After some time that FD automatically gets closed and the fund gets credited back in the account. It was just the rotation of same fund in the account. On verification of the statement of the bank account, it was noticed that from time to time FD accounts were credited and debited automatically due to auto swipe facility of the account. In view of the above, facts and circumstances of the case, we do not find any infirmity in the order of the Id. CIT(A) and we uphold the same.

8. In the result, this appeal of the revenue is dismissed.

Order pronounced in open court on 05/03/2026.

Sd/-
(GEORGE MATHAN)
JUDICIAL MEMBER

Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER

Ranchi, Dated: 05/03/2026

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

By order

Sr. Private Secretary, ITAT, Ranchi