

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCH "SMC", PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.3002/PUN/2017

निर्धारण वर्ष / Assessment Year : 2014-15

Soniya Ashokkumar Sachdev,  
F Wing, Flat No.104, E Ward,  
Ayodhya Park, Old Pune Bangalore  
Road, Kawala Naka, Kolhapur.  
PAN : CXPPS2539N

Vs. ITO, Ward-2(2),  
Kolhapur

(Appellant)

(Respondent)

Appellant by  
Respondent by

Shri M. K. Kulkarni  
Shri S. P. Walimbe

Date of hearing 13-01-2020  
Date of pronouncement 14-01-2020

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the assessee arises out of the order passed by the CIT(A)-2, Kolhapur on 14.11.2017 in relation to the assessment year 2014-15.

2. The only issue raised in this appeal against the confirmation of the addition of Rs.14,05,000/- u/s 69A of the Income Tax Act, 1961 (hereinafter called as 'the Act').

3. Succinctly, the facts of the case are that the assessee made cash deposits amounting to Rs.14,05,000/- in her saving bank account maintained with The Saraswat Co-op. Bank Ltd., New Shahupuri Branch, Kolhapur. On being called upon to explain the source of such cash deposits, the assessee submitted that she has received a sum of Rs.11,01,500/- as cash gift from her brother, late Sh. Sandeep Ashokkumar Sachdev as was evidenced by Gift Deed dated 15.03.2013. Remaining amount of Rs.3,03,500/- was claimed to have been deposited out of her professional receipts and re-depositing of withdrawals from same bank account. The Assessing Officer observed that the amount in question was allegedly received from the brother on certain dates, namely, 15.12.2012 – Rs.2,80,000/-; 17.12.2012 – Rs.5,00,000/-; 27.12.2012 – Rs.21,500/-; 31.12.2012 – Rs.1,00,000/-; 15.03.2013 – Rs.2,00,000/-. As against that cash was deposited by the assessee in her bank account on 03.05.2013 – Rs.5,05,000/-; 06.05.2013 – Rs.5,00,000/-; 06.06.2013 – Rs.2,00,000/-; 21.03.2014 – Rs.2,00,000/-. The Assessing Officer did not accept the genuineness of the assessee's explanation by noticing that alleged declaration of gift dated 15.3.2013 was drawn on a stamp paper of Rs.100/-,

which was actually purchased on 13.03.2015. He, therefore, made the addition for the full amount. The ld. CIT(A) confirmed the assessment order. The assessee is in appeal before the Tribunal against the confirmation of above addition.

4. I have heard both the parties and gone through the relevant material on record. It is noticed that the assessee allegedly received cash amounting to Rs.11,01,000/- from his brother, namely, late Sh. Sandeep Ashokkumar Sachdev through Gift deed drawn on 15.03.2013. It was only on the examination of the said gift deed that it transpired that the stamp paper used for the said Gift deed of Rs.100/- was actually purchased on 13.03.2015. This shows that the assessee purchased stamp paper two years after the alleged declaration of gift. Such an illegal practice cannot be countenanced. It is further observed that the assessee was regularly maintaining a bank account. In such circumstances, it is beyond my comprehension as to why such a huge cash of Rs.11,01,500/- was not deposited in the bank account for a period close to six months. In view of such circumstances, I am satisfied that the assessee has not successfully proved that she genuinely

received gift of Rs.11,01,500/- from her brother. Explanation to this extent is, therefore, rejected and the impugned order is upheld.

5. As regards the remaining amount of Rs.3,03,500/-, the assessee stated that this was out of professional receipts and re-depositing of withdrawals from the same bank account. Considering the totality of facts and circumstances and also the amount of income declared in the return, I am satisfied that the assessee successfully tendered the explanation on this score. I, therefore, reverse the impugned order and delete the addition of Rs.3,03,500/-.

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

Order pronounced in the Open Court on 14<sup>th</sup> January, 2020.

**Sd/-**  
**(R.S.SYAL)**  
**उपाध्यक्ष/ VICE PRESIDENT**

पुणे Pune; दिनांक Dated : 14<sup>th</sup> January, 2020  
*Sujeet*

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. आयकर आयुक्त(अपील) /  
The CIT (Appeals)-2, Kolhapur
4. The Pr. CIT-2, Kolhapur
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "SMC" /  
DR 'SMC', ITAT, Pune;
6. गार्ड फाईल / Guard file.

**आदेशानुसार/ BY ORDER,**

**// True Copy //**

Senior Private Secretary  
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	13-01-2020	Sr.PS
2.	Draft placed before author	13-01-2020	Sr.PS
3.	Draft proposed & placed before the second member	--	JM
4.	Draft discussed/approved by Second Member.	--	JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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