

**THE INCOME TAX APPELLATE TRIBUNAL  
AHMEDABAD "SMC" BENCH, AHMEDABAD**

**Before Ms. Suchitra Kamble, Judicial Member**

**ITA No. 2553/Ahd/2025  
Assessment Year 2017-18**

Sumatibhai M. Shah HUF, 17 Golden Tulip Bungalow, Behind Shreays Foundation, Ahmedbad-380015 PAN: AAIHS6006A (Appellant)	Vs	The ITO, Ward-5(2)(3), Ahmedabad (Respondent)
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**Assessee by: Shri D.K. Parikh, A.R.  
Revenue by: Shri Rameshwar P Meena, Sr. D.R.**

Date of hearing : 04-02-2026  
Date of pronouncement : 16-04-2026

**आदेश/ORDER**

This is an appeal filed against the order dated 27-10-2025 passed by CIT(A)/Addl/JCIT(A)-7, Kolkata for assessment year 2017-18.

2. The grounds of appeal are as under:-

*"1. The learned Commissioner of Income Tax [Appeals] ADDL. JCIT (A)-7, KOLKATTA has grievously erred both in law and on facts in upholding action of Id AO in making addition of Rs. 11,00,000/- in respect of amount deposited in bank account by wrongly invoking section 69A of the Income tax Act. The appellant having properly explained sources of deposit in bank account, the addition made ought to be deleted. It be deleted now.*

*2. Without prejudice to the above ground, the Id Commissioner of Income Tax [Appeals] ADDL. JCIT(A)-7, KOLKATTA grievously*

*erred both in law and on facts in not appreciating that Rs. 11,00,000/- being entire cash deposited in bank during whole previous year was from withdrawals made for the explained purposes and reasons for keeping cash and hence addition made ignoring the submission regarding house hold withdrawals of entire joint family members is patently wrong. The addition made on presumption ignoring the factual and legal position explained to both authorities is untenable and against sanction of law. It be so held now.*

*3. The ld. Commissioner of Income Tax [Appeals] ADDL. JCIT(A)-7, KOLKATTA further erred both in law and on facts in not appreciating that the appellant had no any source of such income and looking to the actual sources of income, the addition made by wrongly invoking section 69A of the Act as deemed income was against the legal position as explained in submissions made. It be so held now and addition of Rs. 11,00,000/- be deleted.*

*4. The ld Commissioner of Income Tax (Appeals) ADDL. JCIT(A)-7, KOLKATTA also erred in law and on facts in not considering the various decisions cited before him and passing cryptic order without commenting on the same and thereby confirming entire cash deposited as deemed income u/s 69A of the Act. It be so held now and addition be deleted.*

*5. The ld Commissioner of Income Tax [Appeals] ADDL. JCIT(A)-7, KOLKATTA further erred both in law and on facts in confirming addition of Rs. 11,00,000/- by even ignoring the instruction not to make addition of cash deposited up to specified sum and also, further when explanation regarding keeping cash by entire family was explained. It be so held now and addition of Rs. 11,00,000/- be deleted.*

*6. The ld Commissioner of Income Tax [Appeals] ADDL JCIT(A)-7, KOLKATTA also erred in law and on facts in not properly considering the appellants grounds and detailed submissions in making erroneous conclusion and presumptions that cash deposited / credits in bank account was unexplained to be treated as deemed income It be so held now and addition made be deleted.*

*7. The ld Commissioner of Income Tax [Appeals] ADDL. JCIT(A)-7, KOLKATTA further erred in upholding application of section 115BBE charging tax at 60% which was not applicable for A.Y. 2017-18 as per decided cases. It be so held now.*

*8. The ld Commissioner of Income Tax [Appeals] ADDL. JCIT(A)-7, KOLKATTA ought to have allowed the appeal of the appellant in toto and deleted the additions. It be deleted now.*

*9. The appellant craves leave to add, alter, modify or delete any of the grounds at the time of hearing.”*

3. The assessee is an HUF and derives income from other sources, capital gain and business. The assessee filed return of income for the A.Y.-2017-18 on 01.08.2017 declaring total income of Rs. 2,30,340/-. The case was selected for scrutiny. Notice u/s 143(2) of the Act was issued and duly served. The Assessing Officer passed the order u/s 143(3) dated 05.12.2019 on a total income of Rs. 13,30,342/- and after making addition of Rs. 11,00,000/-.

4. Being aggrieved by the assessment order, the assessee filed appeal before the CIT(A), the CIT(A) dismissed the appeal of the assessee.

5. The ld. A.R. submitted that the assessee has sufficiently withdrawn the amount for the entire family members of HUF has given all the details to the CIT(A) as per Rule 46A which was ignored by the CIT(A). The assessee has given all the details about assessee's mother's illness for which the assessee has withdrawn the money from the bank from time to time.

6. The ld. D.R. relied upon the assessment order and the order of the CIT(A). The ld. D.R. further submitted that the withdrawal was doubted and therefore the addition was sustained.

7. I have heard both the parties and perused all the relevant material available on record. From the perusal of the records, the assessee has given details of the medical

exigencies in her family including that of the withdrawal details thereby giving cash book, bank statement of City Bank and State Bank of India for the period of 01-04-2013 to 31-03-2014. The total cash withdrawal from assessment year 2014-15 to 2017-18 was detailed in page no. 106 of the paper book produced before the Tribunal as well as the same was pointed out before the CIT(A). This withdrawal and the corresponding entry of withdrawal in the assessee's bank account including that of HUF members, bank account is tallying. This fact was totally overlooked by the CIT(A) and therefore the addition does not sustain.

8. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 16-04-2026

**Sd/-**  
**(Suchitra Kamble)**  
**Judicial Member**

**Ahmedabad : Dated 16/04/2026**

a.k.

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Ahmedabad
6. Guard file.

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण,  
अहमदाबाद