IN THE INCOME TAX APPELLATE TRIBUNAL
'SMC' BENCH, JAIPUR

Before: Smt. Annapurna Gupta, Accountant Member &
Shri T. R. Senthil Kumar, Judicial Member

ITA No. 1365/JPR/2025
Assessment Year : 2012-13

Jhutha Ram 33-A, Apna Angan, Lodha Mandi Road, VKIA Road No. 14, Jaipur	Vs	**ITO Ward 1(2)** Income Tax Department, Jaipur, Rajasthan
(Appellant)		**(Respondent)**
PAN No.: AXUPR0390M		

Assessee Represented by : ShriNikhilesh Kataria, CA
Revenue Represented by : Mrs. Arti Rawat, ACIT

Date of hearing : 21-07-2026
Date of pronouncement : 06-10-2026

आदेश/ORDER

PER : T. R. SENTHIL KUMAR, JUDICIAL MEMBER:-

This appeal is filed by the assessee as against the appellate order dated 30.07.2025 passed by Commissioner of Income Tax (Appeal), National Faceless Appeal Centre (NFAC), Delhi, arising out of reassessment order passed u/s. 143(3) r.w.s. 147 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') relating to A.Y. 2012-13.

2. Brief facts of the case are that the assessee is an individual not filed his return of income for the AY 2012-13. As per information received by the department that the assessee had made investment in

immovable property for a sum of Rs. 20,23,778/- including payment of stamp duty and registration charges. The assessee has also made cash deposit in his bank account for a sum of Rs. 13,04,900/-. Therefore, the assessment was reopened by issuing notice u/s. 148 of the Act on 29.03.2019. In response, assessee filed return of income on 03.12.2019 admitting income of Rs. 2,14,997/-. After enquiry, the AO made addition of Rs. 20,23,778/- being unexplained investment in property and Rs. 13,04,900/- being unexplained cash deposit and demanded tax thereon.

3. Aggrieved against the reassessment order, the assessee filed the appeal before Ld. CIT(A) who has deleted the addition made on account of purchase of property, however confirmed the addition on account of cash deposit of Rs. 13,04,900/- after calling for a remand report from the AO.

4. Aggrieved against the appellate order, the assessee is in appeal before us raising the following grounds of appeal:-

> *1. The order passed u/s 143(3)/147 is bad in law and on the facts of the present case for the lack of jurisdiction and other reasons and the ld. CIT(A) erred in not quashing the same and hence the same may please be quashed.*
>
> *2. Rs. 1304900/- The ld. AO erred in law as well as on the facts of the present case in making the addition on account of unexplained cash deposit and ld. CIT(A) erred in confirming the same and hence, the same is prayed to be deleted.*
>
> *3. The assessee prays your goodself indulgence to add, amend, modify OR Delete all OR any ground of appeal on Or before the date of hearing.*

5. Ld. Counsel appearing on behalf of the assessee submitted that assessee has received cash gift of Rs. 16 lakhs from his mother on 02.02.2012. The source of cash deposit from his mother is on account

of sale of old jewellery and the value of this jewellery at Rs. 18,36,230/- as on 31.03.2011 by Registered Valuer. The AO disbelieved the cash gift on the sole ground that the sale of gold ornaments of 642 grams valued at Rs. 16,10,567/- without any specification of the jewellery/item wise and the cash was not deposited in the bank account. Therefore, in the remand report, the AO requested to confirm the addition which was confirmed by the Ld. CIT(A). The Ld. Counsel further submitted that it is customary in the jewellery trade that the sale of old jewellery only total weight shown and no separate specification of items are given in the invoice. The other contention of the AO is that the weight of jewellery sold is much less than the total weight of gold mentioned in the valuation report. For which, Ld. Counsel submitted that assessee's mother only sold 642.300 grams for Rs. 16,10,567/- and gifted Rs. 16 lakhs to the assessee. Thus the AO is not correct in denying cash gift given by the assessee's mother which is supported by gift deed with proper witnesses and duly notorized. Thus, Ld. Counsel requested to delete the addition made on account of cash deposit.

6. Per contra, Ld. DR appearing for the Revenue supported the orders passed by the lower authorities and requested to confirm the addition.

7. We have given our thoughtful consideration and perused the materials available on record including paper books filed by the assessee which contains Gift Deed clearly mentions that the Gift given to the assessee on 02.02.2012 which was said to be deposited by the assessee in his bank account, from 04.02.2012 to 31.03.2012, the total sum of Rs. 16,05,000/-. This gift is from the mother only which is

within the relatives as defined in section 2(41) of the Act. Further the assesee's mother in her old age gifted part of the amount from sale of her gold jewellery given as gift to the assessee, which cannot be doubted, since the same is supported by valid notorized Gift Deed with two witnesses and value of the jewells were determined by Registered Valuer. Thus the addition made by the AO is liable to be deleted.

8. **In the result, the appeal filed by the assessee is hereby allowed.**

Order pronounced in the open court on 06-10-2026

Sd/-
(ANNAPURNA GUPTA)
ACCOUNTANT MEMBER

Sd/-
(T.R. SENTHIL KUMAR)
JUDICIAL MEMBER

Dated 06/10/2026
Dhananjay K., Sr. PS

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

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

By order/आदेश से,

सहायक पंजीकार
आयकर अपीलीय अधिकरण, जयपुर