GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
National e-Assessment Centre
Delhi

1.	PAN	CFXPM2333G
2.	Name of the assessee	NISHA MODI
3.	Address of the assessee	5-4-187/3AND 4 SOHAM MANSION, M.G.ROAD RANIGUNJ; SEUNDERABAD 500003, Telangana, India
4.	Assessment Year	2018-19
5.	Status	INDIVIDUAL
6.	Residential Status	Resident
7.	Date of filing of Return of Income	13/08/2018
8.	Acknowledgement Number of Return of Income	109622101130818
9.	Date of processing u/s 143(1)(a) of the Income-tax Act.	15/09/2018
10.	Date of service of Notice under section 143(2) of the Income-tax Act	28/09/2019
11.	Date(s) of issue of Notice(s) under section 142(1) of the Income-tax Act	19/12/2019,18/02/2020,22/08/2020,26/09/2020, 17/10/2020,25/11/2020,12/12/2020,10/03/2021
12.	Order passed under section	143(3) read with sections 143(3A) & 143(3B) of the Income-tax Act
13.	Returned Income	Rs. 5,91,910
14.	Date of Order	17/03/2021
15.	DIN	ITBA/AST/S/143(3)/2020-21/1031554931(1)

ASSESSMENT ORDER

1. The case was selected for Limited Scrutiny assessment under the E-assessment Scheme, 2019 on the following issues:-

S. No.	Issues
i.	Foreign Financial Interest

2. The assessee isan individual, deriving income from house property and income from other sourcesduring the A.Y. under consideration. The assessee filed her return of income declaring total income of Rs.5,91,910/- on 13.08.2018.

3. Notices u/s 143(2) dt. 28.09.2019 of the I.T. Act, 1961 was issued and served upon the assessee. Subsequently, notice u/s.142(1) dt. 19.12.2019, was issued requiring the assessee to furnish various details in respect of the CASS reasons selected for scrutiny. As

per the said notice the assessee was required to furnish the details on 03.01.2020.As there was no compliance, reminders were issued vide notice u/s.142(1) dtd. 18.02.2020, 11.08.2021, 22.08.2021 and 26.09.2021. Subsequently, assessee filed reply, wherein she submitted bank statement in respect of account held in her name.

4. During the course of assessment proceedings, the assessee submitted bank account statement in respect to the bank account held with CITI Bank, New York (USA). On perusal of bank statement, it was found that the assessee had deposited US$ 2000/- on 05.01.2018, US$ 600/- on 17.01.2018 and US$ 5000/- on 17.01.2018. The assessee was asked vide notice u/s.142(1) dtd.15.10.2020, to explain the source of deposits made with the CITI Bank (USA). As there was no compliance, reminders were issued vide notice u/s.142(1) dtd.25.11.2020 and again on 12.12.2020. In response, the assessee vide letter dt.06.01.2021 requested for 10 more days as requisite details are being complied. However, the assessee has not offered any explanation in this regard till 01.03.2021. Therefore, show cause notice dt.02.03.2021 alongwith draft assessment order was issued and delivered through email as well as shared with assessee in e-proceedings in her e-filing portal. The assessee was required to furnish her explanation on or before 06.03.2021. The assessee furnished partial details and requested for further time to furnish the balance details. The assessee's request was acceded to. Thereafter, the assessee furnished the details on 13.03.2021.

The assessee's submission was carefully considered and the same is not tenable.

4.1 The assessee has submitted that as regards the cash deposit of US$ 600 and US$ 5000 on 17.01.2018 in Citi Bank account, the source is withdrawal from HDFC forex card (card type MCY VISA USD) and submitted the card statement. The assessee has highlighted the transactions in the HDFC Forex Card Statement which were the source for the cash deposits of US$ 600 and US$ 5000 on 17.01.2018 in Citi Bank account. On perusal of the same, it is seen that the withdrawals were made on 18.01.2018. As stated above, the amounts were deposited on 17.01.2018 in assessee's Citi Bank account i.e. the cash was deposited in Citi Bank account even before the amounts were withdrawn through HDFC Forex Card on 18.01.2018.

In view of the above and in the absence of any acceptable explanation, the cash deposits being US$600 and US$ 5000 in the Citi bank account of the assessee is held as unexplained money u/s 69A of the Income Tax Act, 1961 and an amount of Rs.364392/- (as per the amount shown by the assessee in her US bank account submitted vide her response furnished on 30.09.2020) is added to the total income of the assessee.

I am satisfied that it is fit case for initiating penalty proceedings u/s.271AAC for possessing undisclosed money. Accordingly, the penalty proceedings are initiated separately u/s.271AAC of the I.T. Act separately.

4.2. As regards the deposit of US$ 2000 on 05.01.2018, the assessee has submitted that it is a gift received from Sharad J.Kadakia and submitted a letter from Sharad J.Kadakia dtd.26.02.2021.

The assessee in her submissions dt.06.03.2021 has stated that the source for the deposit of US$ 2000 in Citi Bank is to be identified and that a request was made for forex credit card statement for the relevant period. The same is reproduced hereunder:

> *4. The source of deposit US$ 2000 is to be identified. I have requested forex credit card statement for the relevant date to verify the same. My parents have also travelled with me and I need to confirm them as to the said deposit....."*

Subsequently, vide response dt.13.03.2021, a letter signed by Sharad J. Kadakia dt.26.02.2021 was submitted wherein it is stated that the assessee was given a gift of US$2000.

This contradictory statement clearly indicates that the assessee did not have plausible explanation for the source of US$ 2000 which was deposited in her bank account on 05.01.2018.

The fact that even on 06.03.2021 the assessee was searching for the source of the said deposits in her forex card statement leads to the conclusion that Sharad J Kadakia was requested to furnish a letter of gift to prove the source for the cash deposit of US$ 2000 in her Citi Bank account.

Further, vide response dt.30.09.2020, the assessee has submitted her capital account for the year under consideration wherein the gift of Rs.13325981/- received from her father is shown and the purported gift received from Sharad J. Kadakia is not shown. Also, the assessee has submitted a separate capital account and balance sheet as on 31.03.2018 in respect of her assets in United States of America wherein also the purported gift given by Sharad J Kadakia does not find a mention.

It is further pointed out that the assessee has not furnished any documents in support of Sharad J.Kadakia having sufficient cash in hand to gift cash amounting to US$ 2000 or the donor is assessee's relative as specified in Sec. 56(2)(vii) of the I.T.Act.

Further, from the letter dt.26.02.2021 issued by Sharad J Kadakia, it can be observed that Sharad J.Kadakia has given the assessee a purported gift of US$ 2000 for meeting her education expense. It can also be concluded from the said letter wherein Sharad J Kadakia has stated that he has a great relationship with the assessee's father that Sharad J Kadakia is not a relative of the assessee as specified in Sec.56(2)(vii). The said section is reproduced hereunder:

(*vii*) where an individual or a Hindu undivided family receives, in any previous year, from any person or persons on or after the 1st day of October, 2009,—

(a) any sum of money, without consideration, the aggregate value of which exceeds fifty thousand rupees, the whole of the aggregate value of such sum;

....

Provided further that this clause shall not apply to any sum of money or any property received—

(a) from any relative; or

(b) on the occasion of the marriage of the individual; or

(c) under a will or by way of inheritance; or

(d) in contemplation of death of the payer or donor, as the case may be; or

(e) from any local authority as defined in the *Explanation* to clause (*20*) of section 10; or

(f) from any fund or foundation or university or other educational institution or hospital or other medical institution or any trust or institution referred to in clause (*23C*) of section 10; or

(g) from any trust or institution registered under section 12AA; [46][*or*]

....

(e) "relative" means,—

(*i*) in case of an individual—

(*A*) spouse of the individual;

(*B*) brother or sister of the individual;

(*C*) brother or sister of the spouse of the individual;

(*D*) brother or sister of either of the parents of the individual;

(*E*) any lineal ascendant or descendant of the individual;

(*F*) any lineal ascendant or descendant of the spouse of the individual;

(G) spouse of the person referred to in items (*B*) to (*F*); and

(*ii*) in case of a Hindu undivided family, any member thereof;

From the above, it can be concluded that the purported gift is received from a person who is not a relative of the assessee nor at the occasions specified in Sec.56(2)(vii).

In view of the above as cash amounting to US$ 2000 was received from a person who is not a relative of the assessee as per Sec.56(2)(vii) and also not on the occasion as specified in Sec.56(2)(vii) of the I.T.Act.

Accordingly, an amount of Rs. 130140/- (as per the amount shown by the assessee in her US bank account submitted vide her response furnished on 30.09.2020) is added to the total income of the assessee.

I am satisfied that it is fit case for initiating penalty proceedings u/s.270A for misreporting the particulars of income in the return of income. Accordingly, the penalty proceedings are initiated separately u/s.270A of the I.T. Act separately.

5. Subject to the above, the total income of the assessee is computed as under:

Income From House Property (As per the processing u/s 143(1)		104300
Income From Other Sources (As per the processing u/s 143(1)	497607	
Add: 1. Unexplained money U/s 69A 2. Addition on account of money received (As discussed in para 4 above)	364392 130140	494532
Gross Total Income		1096439
Less: Chapter VIA Deductions		10000
Total Income		1086442
Rounded off to		1086440

Assessed accordingly. Give credit for prepaid taxes if any. The demand payable by the assessee includes interest u/s. 234A, 234B, 234C as per ITNS 150 enclosed forming part of this order. DN /Challan issued accordingly. Issue show cause notice u/s.271AAC for possessing undisclosed money and u/s.270A for misreporting the particulars of income in the return of income.

Yours faithfully,
Additional / Joint / Deputy / Assistant Commissioner of Income Tax/
Income-tax Officer,
National e-Assessment Centre,
Delhi

Copy to:

Assessee

Yours faithfully,
Additional / Joint / Deputy / Assistant Commissioner of Income Tax/
Income-tax Officer,
National e-Assessment Centre,
Delhi

Signature Not Verified
Digitally signed by Chandan Kumar Srivastav
Date: 2021.03.17 15:52:47 IST

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
National e-Assessment Centre
Delhi

Computation Sheet

General Details			
PAN	CFXPM2333G	Assessment Year	2018-19
Name	NISHA MODI	Address	5-4-187/3AND 4 SOHAM MANSION ,M.G.ROAD RANIGUNJ SEUNDERABAD 500003 ,Telangana India
Residential Status	Resident	Order Section	143(3)
DIN & Document Number	ITBA/AST/S/183/2020-21/1031555035(1)	Order Date	17/03/2021

Sl. No.	Reporting Heads	Amount as per Current Order (in Rs.)
	HEADS OF INCOME	
1.	INCOME FROM SALARY	
2.	INCOME FROM HOUSE PROPERTY	0
3.	INCOME FROM BUSINESS OR PROFESSION	1,04,300
4.	INCOME FROM CAPITAL GAINS	0
5.	INCOME FROM OTHER SOURCES	0
6.	INTRA HEAD ADJUSTMENTS	9,92,139
7.	TOTAL (AFTER INTRA HEAD ADJUSTMENT) 7=(1+2+3+4+5)-6	0
8.	LOSSES OF CURRENT YEAR SETOFF AGAINST 7	10,96,439
9.	BROUGHT FORWARD LOSSESS SET OFF AGAINST 7	0
10.	GROSS TOTAL INCOME 10=7-(8+9)	0
11.	(I) INCOME CHARGEABLE TO TAX AT SPECIAL RATE UNDER SECTION 115BBE	10,96,439
	(II) INCOME CHARGEABLE TO TAX AT SPECIAL RATE OTHER THAN 115BBE INCLUDING SECTION 111A, 112 ETC.	4,94,532
		0

12.	DEDUCTION U/S 10AA	0

	DEDUCTIONS UNDER CHAPTER VI A	
13.	TOTAL DEDUCTIONS UNDER CHAPTER (VIA)	10,000
14.	TOTAL INCOME AFTER DEDUCTIONS 14 =(10-12-13)	10,86,440
15.	NET AGRICULTURAL INCOME/ ANY OTHER INCOME FOR RATE PURPOSE	0
16.	AGGREGATE INCOME	5,91,910
17.	LOSS OF CURRENT YEAR TO BE CARRIED FORWARD	0
	TAX DETAILS	
18.	TAX PAYABLE ON DEEMED TOTAL INCOME UNDER SECTION 115JC	0
19.	SURCHARGE(ON 18)	0
20.	EDUCATION CESS(SECONDARY & HIGHER) ON (18+ 19)	0
21.	TOTAL TAX PAYABLE ON DEEMED TOTAL INCOME (18+19+20)	0
22.	TAX ON NORMAL INCOME	30,882
23.	(I) TAX ON 115BBE	2,96,719
	(II) TAX ON SPECIAL INCOME OTHER THAN SECTION 115BBE	0
24.	REBATE ON AGRICULTURAL INCOME	0
25.	TAX PAYABLE ON TOTAL INCOME (25=22+23-24)	3,27,601
26.	REBATE U/S 87A	0
27.	TAX PAYABLE AFTER REBATE (27=25-26)	3,27,601
28.	SURCHARGE ON 27 ABOVE	
	(i) 25% OF TAX ON DEEMED INCOME CHARGEABLE U/S 115BBE	74,180
	(ii) ON [(27) – (TAX ON DEEMED INCOME CHARGEABLE U/S115BBE)]	0
	(iii) TOTAL (i + ii)	74,180
29.	EDUCATION CESS(SECONDARY & HIGHER) ON (27+28)	12,053
30.	GROSS TAX LIABILITY 30=(27+28+29)	4,13,834
31.	GROSS TAX PAYABLE (HIGHER OF 21 AND 30)	4,13,834
32.	CREDIT UNDER SECTION 115JD OF TAX PAID IN EARLIER YEARS.	0
33.	TAX PAYABLE AFTER CREDIT UNDER SECTION 115JD 33=(31-32)	4,13,834
	TAX RELIEF	
34.	RELIEF U/S 89	0
35.	RELIEF U/S 90/90A	0
36.	RELIEF U/S 91	0
37.	TOTAL TAX RELIEF 37=(34+35+36)	0
	TOTAL INCOME TAX LIABILITY	

38.	NET TAX LIABILITY 38=(33-37)	4,13,834
	INTEREST PAYABLE	
39.	FOR DEFAULT IN FURNISHING THE RETURN (SECTION 234A)	0
40.	FOR DEFAULT IN PAYMENT OF ADVANCE PAYMENT (SECTION 234 B)	1,31,112
41.	FOR DEFERMENT OF ADVANCE TAX (SECTION 234C)	0
42.	INTEREST U/S 234D	0
43.	FEE FOR DEFAULT IN FURNISHING RETURN OF INCOME (SECTION 234F)	0
44.	TOTAL INTEREST AND FEE PAYABLE 43=(39+40+41+42)	1,31,112
45.	AGGREGATE INCOMETAX LIABILITY 44=(38+43)	5,44,946
	PRE-PAID TAXES	
46.	TDS	49,631
47.	TCS	0
48.	ADVANCE TAX	0
49.	SELF ASSESSMENT TAX	0
50.	REGULAR TAX PAID	0
51.	TOTAL TAXES PAID 50=(45+46+47+48+49)	49,631
	TAX PAYABLE/REFUND	
52.	AMOUNT PAYABLE/ REFUND AMOUNT 51=(44-50)	4,95,315
53.	INTEREST U/S 244A ON CURRENT AMOUNT	0
54.	TOTAL AMOUNT PAYABLE/ REFUND AMOUNT 53= (51+52)	4,95,315
55.	REFUND ALREADY ISSUED (incl. interest u/s 244A)	-18,360
56.	BALANCE AMOUNT PAYABLE/REFUNDABLE (incl. provisional Interest u/s 244A till current order - if any) 55 = (53-54)	5,13,675
57.	INTEREST U/S 220(2) CHARGED (In Rs.)	0
58.	AMOUNT PAYABLE/ REFUNDABLE 57=(55+56)	5,13,675
59.	DEMAND IDENTIFICATION NO AGAINST ORIGINAL DEMAND	2020201837026693612T

*In case of refund, Refund Intimation cum Adjustment sheet will be issued subsequently and separate communication will be sent for the same.

Yours faithfully,
Additional / Joint / Deputy / Assistant Commissioner of Income Tax/
Income-tax Officer,
National e-Assessment Centre,
Delhi

Signature Not Verified
Digitally signed by Chandan Kumar Srivastava
Date: 2021.03.17 15:42:02 IST

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
National e-Assessment Centre
Delhi

To, NISHA MODI 5-4-187/3AND 4 SOHAM MANSION,M.G.ROAD RANIGUNJ SEUNDERABAD 500003,Telangana India	

PAN:	Date:	Status:	DIN & Notice No:
CFXPM2333G	17/03/2021	INDIVIDUAL	ITBA/AST/S/156/2020-21/1031555209(1)

Subject: Notice of demand under section 156 of the Income-Tax Act, 1961

1. This is to give you notice that for the assessment year **2018-19** *a sum of* **Rs. 5,13,675**, details of *which are given on the reverse*, has been determined to be payable by you.

2. The amount should be paid to the Manager, authorised bank/State Bank of India within 30 days of the service of this notice. A challan is enclosed for the purpose of Payment.

3. If you do not pay the amount within the period specified above, you shall be liable to pay simple interest at one per cent for every month or part of a month from the date commencing after the end of the period aforesaid in accordance with section 220(2).

4. If you do not pay the amount of the tax within the period specified above, penalty (which may be as much as the amount of tax in arrear) may be imposed upon you after giving you a reasonable opportunity of being heard in accordance with section 221.

5. If you do not pay the amount within the period specified above, proceedings for the recovery thereof will be taken in accordance with sections 222 to 227, 229 and 232 of the Income-tax Act, 1961.

6. If you intend to appeal against the assessment, you may present an appeal under Part A of Chapter XX of the Income-tax Act, 1961, to the **CIT Appeal NFAC** within thirty days of the receipt of this notice, in Form No. 35, duly stamped and verified as laid down in that form.

Yours faithfully,
Additional / Joint / Deputy / Assistant Commissioner of Income Tax/
Income-tax Officer,
National e-Assessment Centre,
Delhi

Signature Not Verified
Digitally signed by Chandan Kumar Srivastav
Date: 2021.03.17 15:42:21 IST

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
National e-Assessment Centre
Delhi

To, NISHA MODI 5-4-187/3AND 4 SOHAM MANSION, M.G.ROAD RANIGUNJ SEUNDERABAD 500003, Telangana India	

PAN:	Assessment Year:	Date :	DIN :
CFXPM2333G	2018-19	17/03/2021	ITBA/PNL/S/271AAC(1)/2020-21/1031555091(1)

Notice for Penalty under section 274 read with section 271AAC(1) of Income-tax Act,1961

Ms/Mr/M/s,

Whereas in the course of proceedings before me for the Assessment Year **2018-19**; it appears to me **that income determined in your case, includes income chargeable to tax under the provisions of section 115BBE of the Income Tax Act, 1961.**

2. You are required to show cause why an order imposing penalty u/s 271AAC(1) of Income-tax Act,1961 should not be passed.

3. You are required to submit your reply online electronically in 'e-Proceeding' facility through your account in e-filing website (www.incometaxindiaefiling.gov.in) by the midnight (23:59 hours) of **31/03/2021**.

4. In case reply is not submitted, the order shall be passed without the benefit of your explanation.

Additional / Joint / Deputy / Assistant Commissioner of Income Tax
Income-tax Officer,
National e-Assessment Centre,
Delhi

Signature Not Verified
Digitally signed by Chandan Kumar Srivastav
Date: 2021.03.17 15:52:52 IST

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
INCOME TAX DEPARTMENT
National e-Assessment Centre
Delhi

To, NISHA MODI 5-4-187/3AND 4 SOHAM MANSION, M.G.ROAD RANIGUNJ SEUNDERABAD 500003, Telangana India	

PAN: CFXPM2333G	Assessment Year: 2018-19	Date : 17/03/2021	DIN : ITBA/PNL/S/270A/2020-21/1031555201(1)

Notice for Penalty under section 274 read with section 270A of Income-tax Act,1961

Ms/Mr/M/s,

Whereas in the course of proceedings before me for the Assessment Year **2018-19**; it appears to me that **you have under-reported income which is in consequence of misreporting thereof.**

2. You are required to show cause why an order imposing penalty u/s 270A of Income-tax Act,1961 should not be passed.

3. You are required to submit your reply online electronically in 'e-Proceeding' facility through your account in e-filing website (www.incometaxindiaefiling.gov.in) by the midnight (23:59 hours) of **31/03/2021**.

4. In case reply is not submitted, the order shall be passed without the benefit of your explanation.

Additional / Joint / Deputy / Assistant Commissioner of Income Tax
Income-tax Officer,
National e-Assessment Centre,
Delhi

Signature Not Verified
Digitally signed by Chandan Kumar Srivastav
Date: 2021.03.17 15:54:02 IST