

आयकर अपीलीय अधिकरण “एक-सदस्यमामला” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, MUMBAI

माननीय श्री छल्ला नागेन्द्र प्रसाद, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI C.N. PRASAD, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM
(Hearing Through Video Conferencing Mode)

1. आयकरअपील सं./ I.T.A. No.7351/Mum/2019
 (निर्धारण वर्ष / Assessment Year: 2009-10)

Shahabullah Mohd. Sharif Khan Shop No. 3, BPT, Plot No. 218, Kolsa Bunder, Darukhana Mumbai-400 010	बनाम/ Vs.	ITO-20(3)(2), R. No. 612, 6 th floor, Piramal Chamber Lalbaug, Parel Mumbai-400 012
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. AMBPK-5209-N		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	None
Revenue by	:	Shri Sanjay J. Sethi- Ld. Sr.DR

सुनवाई की तारीख/ Date of Hearing	:	02/09/2021
घोषणा की तारीख / Date of Pronouncement	:	02/09/2021

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for AY 2009-10 arises out of the order of Ld. Commissioner of Income Tax (Appeals)-32 Mumbai [CIT(A)] dated 28/08/2019 in the matter of assessment framed by Ld. Assessing Officer (AO) u/s 143(3) r.w.s. 147 on 27/03/2015. The sole subject matter of appeal is estimation of addition on account of alleged bogus purchases. The assessee being resident individual is stated to be

engaged as iron and steel dealer under proprietorship concern namely M/s Sagar Tubes Steel.

2. At the time of hearing, none appeared for assessee. However, the material on record was sufficient for disposal of the appeal. The Ld. Sr. DR pleaded for dismissal of the appeal.

3. Upon perusal of assessment order, it could be seen that the case was reopened pursuant to receipt of certain information from Sales Tax Department, Maharashtra on the basis of which it was alleged that the assessee made suspicious purchases of Rs.117.51 Lacs from 4 entities as detailed in para 3 of the order. Though the assessee furnished purchase bills, however, noticing that the suppliers were not found at the given addresses, Ld. AO estimated addition of 12.5%.

4. The Ld. CIT(A), while confirming the stand of Ld. AO, noted that the assessee had reflected Gross Profit Rate of 14.62% and considering assessee's nature of business, the addition of 5% would be fair and reasonable. Still aggrieved, the assessee is in further appeal before us.

5. Upon perusal of impugned order, we find that Ld. CIT(A) has passed a well reasoned and speaking order after considering factual matrix of the case. The estimation of 5% in steel business was quite fair and reasonable which would not require any interference on our part.

6. The appeal stand dismissed.

Order pronounced on 02nd September, 2021.

Sd/-

(C. N. Prasad)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 02/09/2021
Sr.PS, Dhananjay

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT– concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.

TAXPUNDIT.ORG