

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. 1041/Mum/2020
 (निर्धारण वर्ष / Assessment Year: 2010-11)

ITO – 6(2)(4) 5 th floor, R. No. 513 Aaykar Bhavan Mumbai-400 020	बनाम/ Vs.	Shri Rajan Janardhan Ghadge 301, Shivai Plaza, Plot No. 79(A-3), Marol Co-Op Industrial Estate Marol Naka, Andheri (East) Mumbai-400 059
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. AALPG-1327-K		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Revenue by	:	Ms. Smita Varma– Ld. Sr. DR
Assessee by	:	None

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

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by Revenue for AY 2010-11 arises out of the order of Ld. Commissioner of Income Tax (Appeals)-12 Mumbai [CIT(A)] dated 26/11/2019 in the matter of assessment framed by Ld. Assessing Officer (AO) u/s 143(3) r.w.s. 147 on 14/03/2016. The Ld. CIT(A) has granted partial relief to the assessee on account of alleged bogus purchases against which the revenue is in further appeal before us.

2. At the time of hearing, none appeared for assessee. However, the material on record was sufficient for disposal of the appeal. The Ld. DR pleaded for restoration of assessment as framed by Ld. AO. The assessee being resident individual is stated to engaged in printing of stationery items.

3. 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.3.87 Lacs from 4 entities as detailed in para-2 of the assessment order. Notices issued u/s 133(6) did not elicit satisfactory response and accordingly, these purchases were added back to the assessee's income u/s 69C. The depreciation of Rs.0.10 Lacs claimed on fixed assets purchased from these parties was also disallowed.

4. The Ld. CIT(A) noted that the assessee had filed copies of purchase invoices, ledger extracts & bank statements evidencing payment through banking channels. Therefore, the addition was to be restricted to the extent of 12.5%. The depreciation disallowance of Rs.0.10 Lacs was deleted since the assessee had furnished all the requisite details and documentary evidences. Aggrieved, the revenue is in further appeal before us.

5. After going through impugned order, we find that Ld. CIT(A) has clinched the issue in the right perspective. The assessee's turnover was not under doubt and there could be no sale without actual purchase of material keeping in view the nature of assessee's business. The purchases were backed by purchase invoices, ledger extracts and bank statements. Therefore, the estimation of 12.5% was quite fair & reasonable. The separate disallowance of depreciation was not justified

since the assessee had filed all the requisite details and documents. Finding no reason to interfere in the impugned order, we dismiss the appeal.

6. In the result, the appeal stands 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.