

**IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK
'SMC' BENCH, CUTTACK**

BEFORE SHRI N.S SAINI, ACCOUNTANT MEMBER

ITA No.33/CTK/2017
Assessment Year : 2010-2011

Shri Ranjit Kumar Badjena, GA Plot No.58, Gayatri Vihar, Chandrasekharapur, Bhubaneswar.	Vs.	DCIT, Circle 2(2), Bhubaneswar
PAN/GIR No. AHVPB 4152 A		
(Appellant)	..	(Respondent)

Assessee by : Shri Bibekananda Mohanty, AR
Revenue by : Shri D.K.Pradhan, DR

Date of Hearing : 23 /05/ 2017
Date of Pronouncement : 26/05/2017

ORDER

This is an appeal filed by the assessee against the order of CIT(A)-2, Bhubaneswar, dated 24.10.2016, for the assessment year 2010-2011 .

2. The sole issue involved in this appeal is that the Id CIT(A) was not justified in estimating the income of the assessee by applying rate of 2.5% of the turnover of Rs.9,10,79,422/-.

3. I have heard the rival submissions and perused the orders of lower authorities and materials available on record. In the instant case, the undisputed facts are that the Assessing Officer rejected the books of

account of the assessee u/s.145(3) of the Act and thereafter determined the profit of the business of the assessee by applying rate of 5% on the gross turnover of Rs.9,10,79,422/- and determined the income at Rs.45,53,971/-.

4. On appeal, the CIT(A) estimated the profit of the assessee at 2.5% of the gross turnover and allowed relief of Rs.22,76,985/- to the assessee.

5. Before me, Id A.R. has not challenged the rejection of books of account of the assessee. The only submission of Id A.R.of the assessee is that the profit of the assessee should be estimated at 1.5% and not at 2.5% as done by the CIT(A). He submitted that before the CIT(A), the assessee has filed a chart showing income accepted by the department u/s.143(3) of the Act at 1.39% in the assessment year 2009-10, 1.85% in the assessment year 2008-09 and 1.04% in the assessment year 2007-08. He submitted that at best the income may be determined by applying the rate of 1.85% and not at 2.5% done by the CIT(A).

6. On the other hand, Id D.R. fully justified the order of the CIT(A).

7. I find that the CIT(A) after considering the submission of Id A.R. of the assessee and considering the past accepted results by the department estimated the income by applying the rate of 2.5% to the gross turnover of the assessee. I am of the considered opinion that the estimation of income of the assessee in the present year by applying rate of 2.5% cannot

be said to be highly excessive keeping in view the past accepted results of the assessee. I, therefore, find no good and justifiable reason to interfere with the order of the CIT(A), which is hereby confirmed and dismiss the ground of appeal of the assessee.

8. In the result, the appeal filed by the assessee is dismissed..

Order pronounced in the open court on 26/05/2017 in the presence of parties.

Sd/-

(N.S Saini)

ACCOUNTANT MEMBER

Cuttack; Dated 26/05/2017

B.K.Parida, SPS

Copy of the Order forwarded to :

1. The Appellant : Shri Ranjit Kumar Badjena,
GA Plot No.58, Gayatri Vihar,
Chandrasekharapur, Bhubaneswar.
2. The Respondent. DCIT, Circle 2(2),
Bhubaneswar
3. The CIT(A)-2, Bhubaneswar.
4. Pr.CIT-2, Bhubaneswar.
5. DR, ITAT, Cuttack
6. Guard file.
//True Copy//

BY ORDER,

SR.PRIVATE SECRETARY
ITAT, Cuttack

		Date	Initial	
1.	Draft dictated on	23/05/17		Sr.PS
2.	Draft placed before author	23/05/17 (dictation pad has been enclosed along with original file)		Sr.PS
3.	Draft proposed & placed before the second member			AM
4.	Draft discussed/approved by Second Member.			AM
5.	Approved Draft comes to the Sr.PS/PS			Sr.PS/P S
6.	Kept for pronouncement on			Sr.PS
7.	File sent to the Bench Clerk			Sr.PS
8.	Date on which file goes to the H.C.			
9.	Date on which file goes to the SPS			
10.	Date of dispatch of Order.			