

IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD “B” BENCH AHMEDABAD

BEFORE, SHRI S. S. GODARA, JUDICIAL MEMBER
AND SHRI AMARJIT SINGH, ACCOUNTANT MEMBER

ITA Nos. 691 & 692/Ahd/2016
WITH
CO Nos. 50 & 61/Ahd/16
(Assessment Years: 2007-2008 & 2012-13)

Dy. Commissioner of Income Tax,
Circel- 4(1)(1), Ahmedabad-380 015

Appellant

Vs.

M/s. Usha Compressors Pvt. Ltd.,
1708, Usha Engineering Works,
GIDC Industrial Estate, Phase-III,
GIDC, Vatva, Ahmedabad – 382 445

Respondent/Cross Objector

PAN: AAACU3349R

राजस्व की ओर से/By Revenue : Shri Mudit Nagpal, Sr. D.R.
आवेदक की ओर से/By Assessee : Shri P. F. Jain, A.R.
सुनवाई की तारीख/Date of Hearing : 01.02.2018
घोषणा की तारीख/Date of
Pronouncement : 08.02.2018

ORDER

PER BENCH

The Revenue’s instant two appeals as well as assessee’s corresponding cross objections for assessment years 2007-08 & 2012-13 arise against the CIT(A)-8, Ahmedabad’s separate orders, both dated 04.01.2016, in case nos. CIT(A)-8/149/14-15 & CIT(A)-8/188/14-15, in proceedings u/s. 143(3) r.w.s. 147 of the Income Tax Act, 1961; in short “the Act”.

2. A combined perusal of the Revenue’s identical grievance in its both appeals reveals that it seeks to restore the Assessing Officer’s action making unexplained

cash deposit addition u/s.68 of the Act amounting to Rs.56,82,608/- and Rs.31,45,000/-, which have been restricted by the CIT(A) to the extent of peak sum only. The tax payers' cross objections on the other hand are supportive of the CIT(A)'s identical upholding Assessing Officer's action making the impugned addition to the extent of peak amount in two impugned assessment years.

3. We notice at the outset that there is no dispute so far as the basic fact that the assessee had indeed made cash deposits in its bank accounts involving the two sums; is concerned. The Assessing Officer rejected its explanation that the said deposits were in fact its unaccounted sales. The CIT(A) however follows tribunal's order in assessment year 2011-12 ITA No.2159/Ahd/2014 decided on 24.09.2015 restricting similar cash deposits addition of peak credit only thereby sending the matter back to the Assessing Officer for verification. The said order forms part of record before us. Learned Departmental Representative fails to indicate any distinction on facts or law in these three assessment years since involving identical issue. We therefore adopt judicial consistency to affirm CIT(A)'s findings under challenge in both assessment years. The Revenue's identical substantive ground as well as its two appeals fail accordingly. The assessee's cross objections therein supportive of the CIT(A)'s order stand rendered infructuous.

4. These two Revenue's appeals ITA Nos. 691 & 692/Ahd/2016 are dismissed whereas assessee's cross objections therein CO Nos. 50 & 61/Ahd/2016 are dismissed as having become infructuous.

[Pronounced in the open Court on this the 08th day of February, 2018.]

Sd/-
(AMARJIT SINGH)
ACCOUNTANT MEMBER
Ahmedabad: Dated 08/02/2018

Sd/-
(S. S. GODARA)
JUDICIAL MEMBER

True Copy

S.K.SINHA

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

1. राजस्व / Revenue
2. आवेदक / Assessee

3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण, अहमदाबाद ।