



IN THE INCOME TAX APPELLATE TRIBUNAL "SMC", BENCH MUMBAI
BEFORE SHRI R.C.SHARMA, AM
&
SHRI SANDEEP GOSAIN, JM
ITA No.14/Mum/2018
&
ITA No.15/Mum/2018
(Assessment Year :2009-10 & 2010-11)

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|--|-----|------------------------------|
| Shri Bhupendra M. Mundada, Room No.5, Maharaja Chawal Maharaja Apartment Compound Opp. Telephone Exchange S.V. Road, Malad (W) Mumbai – 400 064 | Vs. | DCIT – Circle 2(2) Mumbai |
| PAN/GIR No.AADPM3710A | | |
| Appellant) | .. | Respondent) |

| | |
|------------------------------|--------------------|
| Assessee by | Shri M.Subramanian |
| Revenue by | Ms. N. Hemalath |
| Date of Hearing | 17/04/2018 |
| Date of Pronouncement | 19/04/2018 |
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आदेश / O R D E R

PER R.C.SHARMA (A.M):

These are the appeals filed by the assessee against the order of CIT(A)-48 dated 31/10/2017 for the A.Y.2009-10 and 2010-11 in the matter of order passed u/s.143(3) r.w.s. 147 of the Income Tax Act, 1961.

2. In both the appeals, assessee is aggrieved for addition of 100% on account of bogus purchases under the head 'unexplained investment' in purchases.

3. It was contended by learned AR that all details desired by the AO were submitted and the AO without appreciating the facts of the case fully and properly and without giving proper opportunity of being heard in the matter proceeded to complete the assessment by making addition under the head 'unexplained investment' in purchases.

4. Our attention was also invited to the documents placed on record, which indicate that purchases so made was reflected in the Purchase Register/ Leger, Stock Register and also Bank Book. It was also contended that all the payments are made through cheques and are reflected in the assessee's books of accounts. Our attention was also invited to the corresponding sales bills with regard to these purchases. He further submitted that corresponding sales have been accepted by the AO and books of accounts were not rejected. Various judicial pronouncements of the Tribunal were placed on record wherein addition on account of the bogus purchases has been confirmed to the extent of 12.5%. As the facts and circumstances in the instant case are same, respectfully following the decision of the Co-ordinate Benches as placed on record, we direct the AO to restrict the addition to the extent of 12.5% of the alleged bogus purchases. We direct accordingly.

3. In the result, appeal in both the years are allowed in part.

Order pronounced in the open court on this 19/04/2018

Sd/-
(SANDEEP GOSAIN)
JUDICIAL MEMBER

Sd/-
(R.C.SHARMA)
ACCOUNTANT MEMBER

Mumbai; Dated 19/04/2018
Karuna Sr.PS

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

सत्यापित प्रति //True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai