

**IN THE INCOME TAX APPELLATE TRIBUNAL
JODHPUR BENCH (SMC), JODHPUR**

BEFORE SHRI R.C. SHARMA, ACCOUNTANT MEMBER

ITA No. 206/Jodh/2018
(ASSESSMENT YEAR-2013-14)

Shri Manoj Kumar Singhal, Sriganganagar	Vs	The Income Tax Officer, Ward-3, Sriganganagar
(Appellant)		(Respondent)
PAN: AWJPS8776N		

Assessee By	Shri Rajendra Jain (Adv.)
Revenue By	Shri Shri A. K. Das (JCIT) DR
Date of hearing	18/07/2018
Date of Pronouncement	20/07/2018

ORDER

PER: R.C. SHARMA, AM

This is an appeal filed by the assessee against the order of the CIT(A), Bikaner dated 24/10/2017 for the A.Y. 2013-14 in the matter of order passed u/s 143(3) r.w.s 147 of the Income-tax Act, 1961 [hereinafter referred to as 'the Act', for short]. The grounds raised by the assessee in appeal are reproduced as under:

- “1. That on the facts and in the circumstances of the case, the Id. CIT(A) grossly erred in sustaining the disallowance of expenses of Rs. 1,56,000/- out of expenditure claimed by the assessee.

2. *That on the facts and in the circumstances of the case, the Id. CIT(A) grossly erred in restricting expenditure to Rs. 7000/- per month as against Rs. 20,000/- claimed by the assessee.*
3. *That on the facts and in the circumstances of the case, the Id. CIT(A) erred in charging interest u/s 234D, 244A & 220(2).*
4. *That the petitioner may kindly be permitted to raise any additional or alternative grounds at or before the time of hearing.*
5. *The petitioner prays for justice & relief."*

2. In this appeal, the assessee is aggrieved for disallowance of expenditure incurred for earning commission income.

3. Rival contentions have been heard and record perused. The facts in brief are that the appellant was deriving income of Commission from Globus Logistic P. Ltd. Jaipur wherefrom he declared net income of Rs. 3,66,510/-, however in respective column relating to commission in the Income Tax Return appellant had shown net commission income of Rs. 3,65,889/- whereas total commission receipts were of Rs. 6,05,889/-. During the assessment proceedings appellant explained to have shown net commission of Rs. 3,65,889/- after excluding Rs. 2,40,000/- for incidental necessary expenditure from gross commission receipts of Rs. 6,05,889/-.

4. During the course of assessment proceedings, the

Assessing Officer estimated monthly expenditure of Rs. 5,000/- . Accordingly, the total of expenditure of Rs. 60,000/- was allowed.

5. By the impugned order, the Id CIT(A) estimated expenditure at Rs. 7,000/- per month and the balance was disallowed. The assessee is in appeal before me action of the order of Id. CIT(A).

6. I have heard the rival contentions and carefully gone through the orders of the authorities below. Considering the nature of assessee's business vis a vis nature and quantum of expenditure incurred for earning the same. I estimate expenses of Rs. 10,000/- per month. Accordingly, disallowance is confirmed to the extent of Rs. 1,20,000/-. We direct accordingly.

In the result, appeal of the assessee is allowed in part.

Order pronounced in the open court on 20/07/2018.

Sd/-
[R.C. SHARMA]
Accountant Member

Dated : 20/07/2018

*Ganesh Kr.

Copy to :

1. The Appellant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR
6. Guard File (ITA No. 206/Jodh/2018)

Assistant Registrar
Jodhpur Bench