

आयकर अपीलिय अधिकरण, जयपुर न्यायपीठ, जयपुर
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCHES, JAIPUR

श्री विजय पॉल राव, न्यायिक सदस्य एवं श्री विक्रम सिंह यादव, लेखा सदस्य के समक्ष
BEFORE: SHRI VIJAY PAL RAO, JM & SHRI VIKRAM SINGH YADAV, AM

आयकर अपील सं./ ITA. No. 604/JP/2018
निर्धारण वर्ष/ Assessment Years : 2014-15

M/s Shree Agarwal Mahasabha, Near Bus Stand, Alwar	बनाम vs	ITO Ward Exemption, Alwar
स्थायी लेखा सं./ जीआईआर सं./ PAN/GIR No.: AAAJS2250G		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारिती की ओर से / Assessee by : Shri P. C. Parwal (CA)
राजस्व की ओर से / Revenue by : Shri Rajendra Jha (JCIT)

सुनवाई की तारीख / Date of Hearing : 07/08/2018
उदघोषणा की तारीख / Date of Pronouncement : 08/08/2018

आदेश / ORDER

PER: VIKRAM SINGH YADAV, A.M.

This is an appeal filed by the assessee against the order of Id. CIT(A)- 22, Alwar dated 15.03.2018 for Assessment Year 2014-15 wherein the assessee has challenged the addition of Rs. 6,47,210/- made by the Assessing Officer on estimated basis and which has been confirmed by the Id. CIT(A).

2. Briefly stated, the facts of the case are that during the course of assessment proceedings, the AO observed that the assessee has not produced its books of accounts and in the absence of books of accounts

and vouchers, expenditure incurred by the assessee is not verifiable. The AO thereafter, disallowed 10 % of the total expenditure amounting to Rs. 6,47,210/- and brought the same to tax in the hands of the assessee. Being aggrieved, the assessee carried the matter in appeal before the Id. CIT(A) who has confirmed the said addition.

3. During the course of hearing, the Id. AR submitted that the assessee has shown gross income of Rs. 64,72,074/- and has incurred expenditure of Rs. 50,37,044/- and the AO has added 10% of the gross income instead of disallowing 10% of the expenditure. It was further submitted by the AR that the assessee has maintained its regular books of accounts along with supporting bills and vouchers and though the same could not be produced earlier during the course of assessment proceedings, the assessee may be given an opportunity to present the same and the matter may kindly be remand back to the Assessing Officer.

4. The Id. DR is heard who has not opposed the prayer so made by the Id. AR in terms of setting aside the matter.

5. After hearing both the parties, in the interest of justice, we deem it appropriate that the assessee be allowed another opportunity whereby it shall produce its books of accounts and other supporting vouchers before the Assessing officer for necessary verification. The matter is accordingly set aside to the file of the Assessing Officer to examine the same after providing reasonable opportunity to the assessee.

In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 08/08/2018.

Sd/-

(विजय पॉल राव)

(Vijay Pal Rao)

न्यायिक सदस्य / Judicial Member

Sd/-

(विक्रम सिंह यादव)

(Vikram Singh Yadav)

लेखा सदस्य / Accountant Member

जयपुर / Jaipur

दिनांक / Dated:- 08/08/2018

*Ganesh Kr.

आदेश की प्रतिलिपि अग्रेषित / Copy of the order forwarded to:

1. अपीलार्थी / The Appellant- M/s Shree Agarwal Mahasabha, Alwar
2. प्रत्यर्थी / The Respondent- ITO, Alwar
3. आयकर आयुक्त / CIT
4. आयकर आयुक्त / CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur.
6. गार्ड फाईल / Guard File { ITA No. 604/JP/2018 }

आदेशानुसार / By order,

सहायक पंजीकार / Asst. Registrar