

IN THE INCOME TAX APPELLATE TRIBUNAL "SMC" BENCH : KOLKATA

[Before Hon'ble Shri S.S. Godara, JM]

I.T.A No. 1260/Kol/2018

Assessment Year : 2009-10

Mr. Rajesh Kumar Suhasaria
[PAN: AJHPS 8763 J]
(Appellant)

-vs-

ITO, Ward-1(4), Asansol
(Respondent)

For the Appellant : Miss Swati Baid, ACA

For the Respondent : Shri Robin Chowdhury, Addl. CIT

Date of Hearing : 12.09.2018

Date of Pronouncement : 28.09.2018

ORDER

1. This assessee's appeal for assessment year 2009-10 arises from CIT(A)-Asansol's order dated 23.02.2018 passed in case no. 12/CIT(A)/ASL/Wd-1(4)/Asl/15-16 in proceedings u/s 143(3) read with section 147 of the Income Tax Act, 1961 (in short the 'Act').

Heard both the parties. Case file perused.

2. The assessee before us two substantive grounds in its instant appeal. The former substantive ground challenges validity of reopening/reassessment in issue to be mere change of opinion. The same is not pressed during the course of hearing. The assessee's latter grievance challenges disallowance of expenses amounting to Rs. 3,46,788/-. The CIT(A)'s discussion holds that the impugned expenditure claimed in respect of three business concerns names M/s National Domestic Energu. M/s Sri Jagdamba Fuel and

M/s Rani Sati Products as the assessee has not carried out any business. The same is found to be contrary to the assessment order itself assessing the instant taxpayer to be engaged in wholesale business of food grains. The assessee has incurred the impugned expenditure on outstanding loan amounts, bank charges and fees only which may not be mandatorily associated with any business activity. I therefore accept assessee's instant substantive ground on merits to delete the main disallowance / addition of expenses amounting to Rs. 3,46,788/-.

3. This assessee's appeal is partly allowed.

Order pronounced in the Court on 28.09.2018

Sd/-

[S.S.Godara]
Judicial Member

Dated : 28.09.2018

SB, Sr. PS

Copy of the order forwarded to:

1. Rajesh Kumar Suhasaria, S/o Kishan Lal Suhasaria, Station Road, P.O.-Barakar, Burdwan-713324
2. ITO, Ward-1(4), Asansol, Sahana Apartment, Lower Chelidanga, Asansol-713304.
- 3..C.I.T(A).- 4. C.I.T.- Kolkata.
5. CIT(DR), Kolkata Benches, Kolkata.

True copy

By Order

Senior Private Secretary
Head of Office/D.D.O., ITAT, Kolkata Benches