

**IN THE INCOME TAX APPELLATE TRIBUNAL “C”
BENCH, MUMBAI**

**BEFORE HON’BLE SH. R. C. SHARMA, AM &
HON’BLE SH. SANDEEP GOSAIN, JM**

आयकरअपीलसं./ I.T.A. No. 1767/Mum/2017
(निर्धारणवर्ष / Assessment Year: 2012-13)

Opportune Texfab Pvt. Ltd. B-2/1, Plot No. 13, Sec 19A, Bhima Shankar, CHS Ltd, Nerul, Navi Mumbai -400 706	बनाम/ Vs.	ITO WD - 15(3)(3) Mumbai Pin-
स्थायीलेखासं ./जीआइआरसं ./PAN No. AABCO5552B		
(अपीलार्थी/Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	None
प्रत्यर्थीकीओरसे/Respondentby	:	Shri Abi Rama Karhkiyen, DR

सुनवाईकीतारीख/ Date of Hearing	:	24.09.2018
घोषणाकीतारीख / Date of Pronouncement	:	26.09.2018

आदेश / ORDER

Per Sandeep Gosain, Judicial Member:

The present Appeal filed by the assesseeis against the order of Ld. CIT (Appeal) – 24, Mumbai dated 21.12.16 for AY 2012-13.

2. At the very outset, it is noticed that none has appeared on behalf of assessee in spite of several calls and even no application for adjournment was moved. On the other hand Ld. DR is present in the court and is ready with arguments. Therefore we have decided to proceed with the hearing of the case ex-parte with the assistance of the Ld. DR and the material placed on record.

3. The brief facts of the case are that the assessee is company engaged in the business as dealers in textile fabrics. The return of income for the year under consideration was filed on 27.09.12 declaring income of Rs. 23,198. Assessment u/s 144(1) was completed by the AO on 27.03.15.

Aggrieved by the order of AO, assessee preferred appeal before Ld. CIT(A) and Ld. CIT(A) after considering the case of both the parties, *dismissed* the appeal of the assessee.

Now before us, the assessee has preferred the present appeal by raising the above grounds.

4. The solitary ground raised by the assessee relates to challenging the order of Ld. CIT(A) in confirming total income of the assessee at Rs. 1,80,16,755/- by estimating adhoc net profit being 2% of the total turnover.

5. We have heard Ld. DR and we have also perused the material placed on record well as the orders passed by revenue authorities. We find that Ld. CIT(A) has dealt with the above ground raised by the assessee in para no. 2.4 to 2.4.2 of its detailed order and after having gone through the orders passed by revenue authorities, we find from the records that assessee had not appeared nor filed any documents in order to substantiate its claim, therefore AO made assessment u/s 144(1) of the I.T. Act after rejecting the books of account and estimated the profit @ 2% of the gross turnover. Ld. CIT(A) upheld the decision of AO as no new facts or documents were produced by the assessee. Therefore, Ld. CIT(A) has rightly passed its reasoned order.

Even before us, no new facts or contrary judgments have been brought on record in order to controvert or rebut the

findings so recorded by Ld. CIT(A). Therefore, there are no reasons for us to interfere into or deviate from the findings so recorded by the Ld.CIT(A). Hence, we are of the considered view that the findings so recorded by the Ld. CIT (A) are judicious and are well reasoned. Resultantly, this ground raised by the assessee stands **dismissed**.

6. In the net result, the appeal filed by the assessee stands **dismissed** with no order as to cost.

Order pronounced in the open court on 26th Sept, 2018

Sd/-

(R. C. Sharma)

Sd/-

(Sandeep Gosain)

लेखासदस्य / Accountant Member न्यायिकसदस्य / Judicial Member

मुंबई Mumbai; दिनांक Dated : 26.09.2018

Sr.PS. Dhananjay

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त(अपील) / The CIT(A)
4. आयकरआयुक्त/ CIT- concerned
5. विभागीयप्रतिनिधि, आयकरअपीलीयअधिकरण, मुंबई/ DR, ITAT,
Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायकपंजीकार
(Dy./Asstt.Registrar)

आयकरअपीलीयअधिकरण, मुंबई/ ITAT, Mumbai