

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

Before **Shri S.S, Godara, Judicial Member**

ITA No.1602/Kol/2018 Assessment Year:2014-15
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M/s Champion Car Rental (P) Ltd., AK-262, Salt Lake City, Sector-II, Kolkata-91 [PAN No.AAECC 7722 N]	<u>बनाम /</u> <u>V/s.</u>	Income Tax Officer, Ward-2(2), Aayakar Bhawan, P-7, Chowringhee Square, Kolkat-69
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri Subash Agarwal, Advocate
प्रत्यर्थी की ओर से/By Respondent	Shri C.J. Singh, JCIT-SR-DR
सुनवाई की तारीख/Date of Hearing	20-02-2019
घोषणा की तारीख/Date of Pronouncement	28-02-2019

आदेश /O R D E R

This assessee's appeal for assessment year 2014-15, arises against the Commissioner of Income-tax (Appeals)-1, Kolkata's order dated 27.06.2018 passed in case No.11198/CIT(A)-1/Ward-2(2)/2016-17, involving proceedings u/s. 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. The assessee's former substantive ground challenges correctness of both the lower authorities' action disallowing discount claim of ₹1,32,740/- as provided to its clients in car hire service business. Learned counsel vehemently contend during the course of hearing that this assessee has admittedly provided all the relevant details to both the lower authorities who have erred on facts and in law in disallowing the same. Mr. Singh vehemently supports both the lower authorities' action making the impugned disallowance. He fails to dispute that such discount supported by all the

relevant particulars is very much a common practice in car hire service business. I find during the course of hearing that assessee has also not been able to provide for relevant details of the beneficiaries for verification in this regard. I take into account all these facts and circumstances to restrict the impugned disallowance to ₹32,740/- only. The assessee gets part relief to the tune of ₹1 lac. Its instant former substantive ground is partly allowed.

3. Next comes cash deposits addition of ₹17,47,927/- treated as undisclosed income u/s 69A of the Act in both the lower proceedings. I find that neither the assessee has been able to prove each and every deposits instance in its paper book running into 155 pages nor the Revenue has been able to justify that the lower authorities have added all contra entries as well during the course of hearing. I therefore hold in these peculiar facts and circumstances that a lump sum addition of ₹2,47,927/- instead of the entire deposit sums of ₹17,47,927/- would be just and proper. The Assessing Officer shall finalise necessary computation. I make it clear that instant direction both the issues shall not be treated as a precedent.

4. This assessee's appeal is partly accepted in above terms.

Order pronounced in open court on 28/02/2019

Sd/-
(S.S. Godara)
Judicial Member

Kolkata,
*Dkp/Sr.PS

दिनांक:- 28/02/2019 कोलकाता

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. अपीलार्थी/Appellant-M/s Champion Car Rental (P) Ltd. AK-262, Salt Lake City Sector-II, Kolkata-91
2. प्रत्यर्थी/Respondent-ITO Ward-2(2), Aayakar Bhawan, P-7 Chowringhee Sq. Kol-69
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

उप/सहायक पंजीकार
आयकर अपीलीय अधिकरण,
कोलकाता ।