

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "C": DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI O.P. KANT, ACCOUNTANT MEMBER

ITA.No.3064/Del./2014
Assessment Year 2009-2010

M/s. G.K. Dairy & Milk Products Pvt. Ltd., B-5, Pragati Chambers, Ranjit Nagar, New Delhi. PAN AAACG3118J	vs.,	The Addl. CIT, Range-12, New Delhi.
(Appellant)		(Respondent)

For Assessee :	Shri Abhishek Mathur, Advocate.
For Revenue :	Shri Amit Katoch, Sr. D.R.

Date of Hearing :	21.08.2019
Date of Pronouncement :	02.09.2019

ORDER

PER BHAVNESH SAINI, J.M.

This appeal by Assessee has been directed against the Order of the Ld. CIT(A)-XV, New Delhi, Dated 31.03.2014 for the A.Y. 2009-2010.

2. We have considered the rival submissions and perused the material on record.

3. Learned Counsel for the Assessee did not press Ground Nos. 1 and 2 of the appeal of assessee. The same are accordingly dismissed as not pressed.

4. On Ground No.3, assessee challenged the addition of Rs.5,09,155/- under section 41(1) of the I.T. Act. The A.O. noted that during the course of assessment proceedings it was seen that following sundry creditors are outstanding for the last three consecutive years :

i.	New Modest Engineers	Rs.1,04,500/-
ii.	Graphics ads P. Ltd.,	Rs.3,16,761/-
iii.	JMD Projects P. Ltd.,	Rs. 87,894

		Rs.5,09,155/-

4.1. The assessee contended before the A.O. that these creditors are still payable. The amount payable to them has accrued to them in the course of running of business and the company plans to make payment to these creditors on the basis of demand raised by them. The A.O. however, did not accept the contention of assessee and made the addition. The Ld. CIT(A) confirmed the addition.

5. After considering the rival submissions, we are of the view that the addition is not justified. The liability exist in the books of account are pertain to the earlier years. The sundry creditors are brought forward from the earlier years which have not been doubted by the A.O. Therefore, there is no question of making addition in the assessment year under appeal. In view of the above, we set aside the Orders of the authorities below and delete the addition.

6. In the result, appeal of Assessee partly allowed.

Order pronounced in the open Court.

Sd/-
(O.P. KANT)
ACCOUNTANT MEMBER

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Delhi, Dated 2nd September, 2019

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT "C" Bench
6.	Guard File

//By Order//

Asst. Registrar : ITAT : Delhi Benches : Delhi.

Date of dictation	21.08.2019
Date on which the typed draft order is placed before the dictation Member	29.08.2019
Date on which the approval draft comes to the Sr. PS	02.09.2019
Date on which the fair order is placed before the Dictation member for pronouncement	02.09.2019
Date on which the fair order comes back to the Sr. P.S.	02.09.2019
Date on which the final order is uploaded on the website of ITAT	02.09.2019
Date on which the file goes to the Bench Clerk	03.09.2019
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order.	