

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'E': NEW DELHI)**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
AND
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 2401/Del/2015
(Assessment Year: 2009-10)**

Umesh Arora, C/o CA Anoop Kumar Jairath, Noida.	Vs.	ACIT, Circle- 24(1), New Delhi.
PAN No: AAAPA4832A		
APPELLANT		RESPONDENT

Assessee by : None
Revenue by : Ms. Rakhi Vimal, Sr. DR

ORDER

PER ANADEE NATH MISSHRA, AM

[A]. This appeal has been filed by the assessee against the impugned appellate order dated 30/01/2015 passed by Learned Commissioner of Income Tax (Appeals)-11, New Delhi, ["Ld. CIT(A)", for short] pertaining to Assessment Year 2009-10. The Assessee has raised following grounds of appeal:-

- "1. That the evidences furnished by the assessee apropos the sources of the funds to the tune of Rs. 32,75,000/-, ought to had been considered by the ld. CIT(A) and made the basis of the appellate order.*
- 2. That the ld. CIT(A) had erred in arbitrarily rejecting the evidences furnished by the assessee on the ground that the notice u/s 133(6) issued to M/s Mahindra Enterprises had returned undelivered, thereby overlooking the facts that (i) the assessee has subsequently paid the purchase consideration to it through banking channel; and (ii) the postal authorities*

remark was "addressee moved" and not that "no such party at this address".

3. *That on the facts of the case and under the law, the Id. CIT(A) had erred in disbelieving the explanation regarding source of the funds to the tune of Rs. 32,75,000/-.*
4. *That on the facts of the case and under the law, the Id. CIT(A) had erred in upholding the addition of Rs. 32,75,000/-, as arbitrarily made by the Id. AO."*

[B]. Vide Assessment Order dated 20/12/2011 passed by Assessing Officer ("AO", for short) U/s 143(3) of the Income Tax Act, 1961 ("I.T.Act" in short), income of the assessee was determined at Rs.67,21,750 (rounded off)/-. The relevant portion of the Assessment Order 20/12/2011 is reproduced as under:-

"The return of income for the assessment year 2009-10 was filed on 09.3.2010 declaring an income of Rs.34,21,610/- which was processed under section 143(1) on returned income. The case was selected for scrutiny under Cass as per guidelines/procedure for selection of cases for scrutiny.

2. Accordingly notice under section 143(2) was issued by ITO Ward 24(4), New Delhi on 20.8.2010 and served upon the assessee fixing for hearing on 03.9.2010. Thereafter case was transferred to this circle and my predecessor issued notices u/s 143(2) and 142(1) on 09.6.2011 calling for information on AIR and sources of income. Thereafter, after taking over the charge of this circle, the undersigned issued notices u/s 142(1.) on 03.11.2011 which was complied with. Shri Anoop Kumar Jairath. CA appeared on behalf of the assessee and the information called for has been filed and the same was verified and placed on records. -

3. The assessee is engaged in the business of rendering consultancy relating to Liaison consultancy services. The AR for the assessee appeared from time to time

as per entries in the order sheet. Accounts relating to the income produced/copies filed which were placed on records after verification.

4. The assessee was asked to file details of AIR information and in response to the same the assessee's counsel filed reply during the course of hearing on 17.12.2011 on behalf of the assessee which is reproduced as under:

"Please refer to the AIR information provided by you of the Assessee. As per AIR assessee has deposited Rs. 27,75,000/- in his saving a/c with ICICI Bank. No. 003101000099 and HDFC Bank A/c No. 06511930000145. Assessee hereby admit that the amount mentioned above was undisclosed sale proceeds earned by the assessee during the course of its Business Activity. Assessee also admit that the investment in Birla Sun Life Mutual Fund for Rs. 5,00,000/- was also made out of the sale proceeds.

Assessee was also engaged in the business of trading of cloths. Assessee sold the cloths to the various petty street vendors. Copies of some sale and purchase bills alongwith bank statements are enclosed for your reference. Assessee also admits that he has earned approx. 4% to 5% profit on the sale. Assessee suomoto offer the said percentage of profit on sale for the taxable by the department.

5. The assessee has accepted that he was doing cloth selling business which was never disclosed in the return of Income. The amount of investment in the purchase of cloth has not been explained instead the amount earned out of sale of the cloth stated to have been deposited in the banks and in Birla Sun Life Mutual Fund. From the above facts it is established that the entire amount of deposit in the bank and mutual fund was his income from undisclosed sources. The assessee in his letter filed on through his counsel, has stated that he admits that he has earned approx., 4% to 5% profit on the sale. Assessee suomoto offer the said percentage of profit on sale for the taxable by the department. When confronted to explain the investment made in the purchase of cloth and the source of deposit in the banks and Birla Sun Life Mutual Fund amounting to Rs.27,75,000/- and Rs,5,00,000/- respectively, the counsel for the assessee could not explain any thing else except whatever stated in his letter.

6. In view of the above, it is held that the assessee was doing the business of sale of cloths to the petty vendors and the source of deposit/investment in the Bank/Mutual Fund and purchase of cloths has also not explained. The assessee vide his letter has himself accepted that the amount deposited in the Banks is out of undisclosed sale proceeds of cloth, and the deposit in Mutual Funds amounting to Rs.5,00,000/- is also from the sale proceeds of undisclosed cloth activities. The assessee could not explain the investment in purchase of cloth for sale and stated that sale proceeds have been deposited in the bank/mutual fund which is not acceptable. Hence the entire amount of Rs.27,75,000/- + Rs.5,00,000/- totaling Rs.32,75,000/- is considered assessee's own income from undisclosed sources and the same is added in the income of the assessee as income from undisclosed sources. I am satisfied that assessee has concealed the taxable income by furnishing inaccurate particulars of his income, penalty proceedings under section 271 (l)(c) are initiated separately.

B.1] Aggrieved by the Assessment Order, the Assessee preferred appeal before the Ld. CIT(A). Vide aforesaid aforesaid impugned appellate order dated 30/01/2015, the Ld. CIT(A) dismissed the assessee's appeal. The relevant portion of the order of the Ld. CIT(A) is reproduced as under:

The present appeal emanates from the order dt. 20.12.2011 (hereinafter referred to as 'the impugned order') passed by the ACIT, Circle-24(1), New Delhi u/s. 143(3) of the Income Tax Act (hereinafter referred to as "the Act") wherein the Assessing Officer has assessed the income of the assessee at Rs. 67,21,750 /- against returned income of Rs.34,21,610/-.

Facts of the case

2. The return declared income of Rs. 34,21,610- was filed on 9.3.2010 which was processed u/s 143(1) and later selected for scrutiny under CASS. Accordingly AO issued statutory notices u/s 143(2) and 142(1) of the Act. Assessee was engaged in the consultancy business.

2.1.1 During the course of assessment proceedings, AO asked the assessee to explain the information as per AIR, which was supplied to him, relating to cash deposit of Rs.27,75,000/- in the savings bank accounts maintained with ICICI Bank (A/c No. 003101000099) and HDFC Bank (A/c No.06511930000145) and investments in Birla Sun Life Mutual Funds for Rs.5,00,000/-. In response AR of the assessee filed following replies before the assessing officer:

"Please refer to the AIR information provided by you of the assessee. As per AIR assessee has deposited Rs.27,75,000/- in his saving a/c with ICICI Bank A/c No. 003101000099 and HDFC Bank A/c No.06511930000145. Assessee hereby admit that the amount mentioned above was undisclosed sale proceeds earned by the assessee during the course of its Business Activity. Assessee also admit that the investment in Birla Sun Life Mutual Fund for Rs.5,00,000/- was also made out of the sale proceeds.

Assessee was also engaged in the business of trading of cloths. Assessee sold the cloths to the various petty street vendors. Copies of some sale and purchase bills along bank statements are enclosed for your reference. Assessee also admits that he has earned approx. 4% to 5% profit on the sale. Assessee suo moto offer the said percentage of profit on sale for the taxable by the department. "

2.1.2 Considering the above submissions, it was observed by the AO that though assessee submitted that he earned out of sale of cloth out of which investment in mutual funds and deposits in the bank accounts were made, but he failed to explain the source of investment for making purchases etc. With regard to source of investment for making purchases no explanation could be filed by the AR before the AO. Considering the totality of the facts and circumstances of the case, AO treated the entire

cash deposits in the bank accounts, as mentioned supra, of Rs.32.75 lacs and investment in mutual funds as made from undisclosed sources.

2.1.3 Apart from the above, AO made disallowance to the extent of 10% of expenses of Rs.2,51,444/- pertaining to car maintenance, depreciation of car and travelling expenses holding that involvement of personal nature these expenses cannot be ruled out as no separate details have been maintained by the assessee for business and personal purposes. Thus, total taxable income of the assessee was computed by the AO at Rs.67,21,750/- as against the returned income of Rs.34,21,610/-. Penalty proceedings u/s 271(1)(c) were also initiated by the AO separately.

Grounds of Appeal

3. Aggrieved by the order of the AO, the assessee raised the following grounds of appeal:

3.1 The Ld. AO has erred on facts in law in passing the impugned order which is contrary to law, enquiry and justice and facts and material on record, based on conjectures and surmises, passes without application of mind, without granting proper opportunity to defend.

3.2 The appellant denies his liability to tax AND interest as determined and computed by the Ld. AO and the manner in which it has been so determined or computed.

3.3 The Ld. AO has erred in law and on facts in making the impugned addition in total income to the extent of:

- 1) Rs.32,75,000/- on account of alleged undisclosed sale proceeds of business, trading in cloth in the absence of any investment in purchases.

- 2) Rs.25,144/- on account of 10% of sum total of Travelling (Car) expenses, Rs.1,35,944/- and depreciation of Car, Rs.1,15,500/-.
- 3.4 The appellant craves leave to and permission of the Hon'ble CIT(A) to add to or alter any of the grounds of appeal at any time up to the final decision of the appeal.
- 3.5 The appellant craves leave and sanction of the Hon'ble CIT(A) to file additional evidence, if so required for proper prosecution of the case, based on facts and circumstances, which has not been or could not be produced or filed before lower authorities either because proper and sufficient opportunity was not provided or because it was not solicited or its need was not appreciated.
- 3.6 The assessment order be set aside as null and void and the net income as per return be accepted; or such other relief as Your Honors may deem fit, under the circumstances of the case, be granted.

Findings

4. During the course of appellate proceedings, AR has filed additional evidences before my Id. predecessor which were entertained by him and a copy of the same was forwarded to the assessing officer for furnishing the remand report. In response to the remand report the concern assessing officer submitted her remand report vide letter no. ACIT/Circle 24(1)/Remand Report/14-15/1472 dated 22.9.2014, which is reproduced below:

"Kindly refer to your office letter no. CIT(A)XXI/2013-14/111 dated 26.08.2013 on the subject mentioned above.

A Kind reference be made to your office letter no. CIT(A)XXIII/2013-14/112 dated 26.08.2013 asking for submission of the remand report in connection with the written submissions filed before your honour in the case of the aforesaid assessee for A.Y. 2009-10. In this connection, a requisite remand report, as desired by your honour, is submitted here under:

2. In this case, the AO has passed order u/s. 143(3) of the I.T. Act on 20.12.2011 at an income of Rs.67,21,750/- against the returned income of Rs.34,21,610/-.

3. During the year under consideration the AO found that the assessee has deposited cash amounting to Rs.27,75,000/- in his bank account¹ and purchased Birla Life Mutual fund amounting to Rs.5,00,000/-. The assessee has stated that he has doing undisclosed business of cloth trading and the cash sales were deposited to the account but he has failed to disclose its income. Hence, AO has made an addition of Rs.32,75,000/-.

4. Now the assessee has filed additional evidence before your good self. The assessee has now filed the purchase bills, cash book and balance sheet of the cloth business which she has not disclosed in her return of income.

5. To verify the genuineness of purchase of cloths from M/s. Mahindra Enterprises amounting to Rs.30,45,150/- as explained by the assessee, a notice u/s. 133(6) was issued to M/s. Mahindra Enterprises, Shop no. E-13/17, Gali no. 20, Guru Nanak Complex, Madhu Vihar, New Delhi-110092 but till date no reply was received from them. Hence, the genuineness of the cloth business as explained by the assessee is not confirmed.

6. The assessee has produced the copy of ledger account of M/s. Mahindra Enterprises for two Financial Years i.e. 2008-09 and 2009-10 relevant to the assessment year 2009-10 and 2010-11. On perusal of this ledger account, it is found that during the assessment year, the transactions of the assessee with M/s. Mahindra Enterprises is that of purchase only. Assessee had made purchases of 100 occasions, but he has not made even a single payment this year. Not only that the total amount of purchases i.e. Rs.30,45,150/- remained outstanding even during the next year i.e. A.Y. 2010-11 and not a single payment was made by the assessee. This is against human probability and common business practice.

7. The assessee has produced 15 sale bills. All the bills are of cash sales. The assessee has produced the ledger account of drawing showing transfer of cash from business to deposit in HDFC Bank. This shows that whole business was in cash and this proves that there was sufficient generation of cash in the business and thus there was no hindrance or problem to the assessee in paying the dues of M/s Mahindra Enterprises. So, this whole story of purchase appears to be an afterthought.

8. *Audit report has been signed on 08.10.2013 i.e. about four years after the end of the financial year. This audit report should not be regarded as an evidence of the business.*

9. *Under these circumstances, the present case is more of a case of undisclosed money, etc under 69A of income from undisclosed sources. The assessee has failed to explain the source of cash deposit in bank account and in such a situation whole deposit should be deemed as income.*

10. *In view of the foregoing and in the totality of facts and circumstances of the case, the additional evidences furnished in the course of appellate stage before your honour are strongly objected, on merits and in terms of Rule 46A of the IT Rule, 1962 and it is prayed that the same may be rejected in their entirety and the addition made in the assessment order are required to be confirmed.”*

The gist of the remand report of the AO is as under:

- That genuineness of the purchase of cloth from M/s Mahindra Enterprises amounting to Rs.30,45,150/- is doubtful as notice u/s 133(6) issued by the AO to this party was returned undelivered with the remarks of the postal authorities that “addressee moved”.
- That as per copy of ledger filed before the AO in respect of above party, it was observed by the AO that not a single payment has been made to this party as on A.Y. 2010-11 and whole amount of Rs.30,45,150/- was outstanding.
- Assessee produced 15 sale bills – all were cash sales to unidentified parties.

Considering the above facts, it has been held by the AO that the claim of the assessee of purchase and sale of cloth was an afterthought. Even audit report filed was signed on 8.10.2013 i.e. after four years from the end of the financial year under consideration. Considering all these facts, it has been contended by the AO that additional evidences furnished by the AR are liable to be rejected.

4.1.1 In the rejoinder to the remand report, the AR has submitted as under:

"This is with reference to the remand report dated 22.09.2014 w.r.t. Appeal No. 246/11-12 for the A.Y. 2009-10 and further to the detailed submissions already on record. In this regards, the appellant respectfully submits as under:-

1. *The ld A.O. has vide para 5 on page 1 of her remand report alleged as under:*

"To verify the genuineness of purchase of cloth from a major party M/s Mahindra Enterprises amounting to Rs. 30,45,150/- as explained by the assessee, a notice u/s 133(6) was issued to M/s Mahindra Enterprises, Shop No. E-13/17, Gali No. 20, Guru Nanak Complex, Madhu Vihar, New Delhi-110092 but till date no reply was received from them. Hence, the genuineness of the cloth business as explained by the assessee is not confirmed."

In this regards, it is hereby submitted that the ld A.O. has only specified that notice u/s 133(6) was issued to M/s Mahindra Enterprises. However, she has not clarified as to whether or not, the said notice was actually served on the said party. Further, it is submitted that the issue of non-compliance of aforesaid notice u/s 133(6) by M/s Mahindra Enterprises was never confronted to the assessee. No notice or opportunity, whatsoever was given to the assessee to clarify on the said issue or to take the appropriate action to ensure the compliance of the said notice u/s 133(6) of the Act.

Moreover, detailed confirmation of transactions and account balances from M/s Mahindra Enterprises in the form of duly signed ledger account of the party containing the PAN and address details along with the copies of purchase bills have already been duly submitted by the assessee. The address mentioned in the bills is the only address of the said party with the assessee. The copies of the same on sample basis are enclosed herewith. Therefore, if at all any discrepancy was there in the compliance of notice u/s 133(6), the same must have been brought to the knowledge of the assessee.

2. *The ld. A.O. has further alleged as under vide para 6 on page 2 of her report:*



“The assessee has produced the copy of ledger account of M/s Mahindra Enterprises for two financial years i.e. 2008-09 and 2009-10, relevant to assessment year 2009-10 and 2010-11. On perusal of this ledger account, it is found that during the assessment year, the transactions of the assessee with M/s Mahindra Enterprises is that of purchase only. Assessee had made purchase on 100 occasions; but he has not made even a single payment this year. Not only that the total amount of purchases i.e. Rs. 30,45,150/- remained outstanding even during the next year i.e. A.Y. 2010-11 and not a single payment was made by the assessee. This is against human probability and common business practice. ”

First of all, it is worthwhile noticing here the fact that that the assessee had not merely filed the copy of ledger account of M/s Mahindra Enterprises for the referred years, but the same were also duly signed and confirmed by the said party.

Further, no adverse influence should be drawn from the fact that no payment against the purchase has made by the assessee. This is on account of the reason that the terms of discharge of payment depend upon the dealing between the parties involved in sales purchase transactions. The payments were not being made by the assessee to the supplier, M/s Mahindra Enterprises on account of the following reasons:

- i. As per the normal practice followed in trade in an unorganized sector, the supplier makes the supply of goods on credit upto a certain credit limit. Beyond that limit the buyer starts black mailing the supplier that the payment would be released only when the further supplies are made. However, what happened in the case of the assessee was that the supplier refused to make further supplies until the time the assessee releases the old payments. Whereas the assessee was arguing that he would release the payments only when the further supplies were made to him. As a result, neither the supplier made any further supply nor did the assessee make any payment to the supplier.*
- ii. Further, certain disputes concerning the product quality issue had also arisen between the parties. The assessee started receiving quality complaints from the customers. The assessee made request to the supplier to replace the sub-standard quality goods with the desired quality goods. However, the supplier refused to replace the sub-standard goods. As a result of which the reputation of the assessee in his newly started business during the relevant year was severely affected. The customers started pressurizing the assessee to make*

refund of the purchase price paid by them. As a result, the assessee did not make any payment to the supplier.

Moreover, it is hereby submitted that once the supplier/creditor has duly confirmed the transactions and outstanding balance, as per the confirmations filed, no adverse influence is warranted against the assessee.

3. *The ld. A.O. has vide para 7 on page 2 of the remand report grossly erred in casting highly arbitrary and baseless allegation against the assessee that the whole story of purchase appears to be an afterthought. The aforesaid allegation is totally based on surmise and conjectures and without conducting proper verification of the facts involved in the case. The reason for non-release of payment to the supplier has already been explained above in detail.*

4. *The ld. A.O. has vide para 8 on page 2 of her remand report contended as under:*

“Audit Report has been signed on 08.10.2013 i.e. four years after the end of the financial year. This audit report should not be regarded as an evidence of the business.”

In this regards, it is hereby submitted that tax audit report is basically a report issued by the auditor who is normally a Chartered Accountant after conducting thorough verification of the books of accounts maintained by the assessee. There is no requirement as such under the provisions of Income Tax Act, 1961 that the audit has to be conducted in the year of business itself. If the books of accounts maintained by the assessee are found to be in order, then the auditor can duly issue the compliance audit report subsequently. Although for delay in obtaining audit report, separate consequences are prescribed under the statute. However, the issue of audit report after lapse of three-four years cannot be the sole ground for rejecting its authenticity and creditability as an evidence.

5. *The ld. A.O. has further alleged as under vide para 9 on page 2 of her report:*

“Under these circumstances, the present case is more of a case of undisclosed money, etc under 69A than of income from undisclosed sources. The assessee has failed to explain the source of cash deposit in bank account and in such a situation whole deposit should be deemed as income.”

Further, the Id A.O. has grossly erred in concluding that the present case is more of a case of undisclosed money u/s 69A and the whole of amount deposited in bank should be treated as income of the assessee. The assessee has been duly carrying out the business of trading in cloth. The aforesaid fact of conduct of business by the assessee is well supported by the glaring evidences in the form of purchase bills, sales bills, confirmation of account from the creditor i.e. M/s Mahindra Enterprises including his PAN and address details, duly audited Balance Sheet of cloth trading concern of the assessee along with the tax audit report submitted by the assessee.

6. In the light of aforesaid submissions, it is hereby prayed that the additional evidence submitted by the assessee should be duly admitted and considered in terms of Rule 46A and the addition of Rs. 32,75,000 made by the A.O. u/s 69A should be deleted by your goodself in the interest of justice. Further, the income from the said cloth business of Rs. 1,66,127 should be assessed as additional income of the assessee."

4.1.2 I have considered the submissions of the Ld. AR and have also gone through the assessment order passed by the assessing officer and the remand report with its rejoinder. It is an undisputed fact that claim of the business of purchase and sale of cloth has been admitted by the Ld. AR when AO asked the appellant to explain source of the cash deposits in the bank accounts and investment in the mutual funds as discussed above. Before that, no such submission was made by the appellant. If there was nothing to conceal on the part of the appellant, the same could be done even after filing the return of income when the appellant had sufficient time to take remedial measures, as provided in the provisions of Income Tax Act, 1961. Considering the totality of the facts, it is crystal clear that the submissions are nothing but a concocted story just to say something in support when there is no option left with the appellant to keep herself away from the clutches of tax authorities. Even the submissions filed by the AR are sans any evidentiary value. The alleged claim of making purchases from M/s Mahindra Enterprises remained unverified as party was not available at the given address i.e. Shop No. E-13/17, Gali No. 20, Guru Nanak Complex, Madhu Vihar,

New Delhi-110092 for which appellant is now claiming that she has no knowledge about its present whereabouts. Simply claiming that confirmations duly signed by the party containing PAN and address and copies of the purchase bills are not sufficient to substantiate the claim of having made huge purchases from the above party. Thus, the onus to prove genuineness and source is not discharged. The version of the AR also cannot be accepted considering the fact that when substantial amount is still due to be paid to the above party, it cannot be believed that there is no contact between the appellant and the above party. The justification given for outstanding amount is nothing but a routine reply having no evidentiary value. A primary fact that hobbles the appellant is that the source of capital is not explained properly. The Ld.AR in the rejoinder has tried to avoid the onus on account of wrong/incomplete address of supplier. This audacious contention cannot be accepted. It is for the appellant to corroborate his motives and acts. It is for the appellant to establish its credentials. It is pertinent state here that *vigilantibus non dormientibus* – law helps only those who are vigilant and careful of their interest. The appellant has failed in this duty cast on him by law and presumes the onus discharged. This is not so when the notice of AO was not served on address given by appellant. The Ld. AR has also not sought correct the factual position in rejoinder filed before me. The appellant could have furnished correct position at his stage also. Hence, it cannot be pleaded that appellant was not afforded opportunity to remedy the deficient/wrong information.

[C] This present appeal has been filed by the assessee against the aforesaid impugned appellate order dated 30/01/2015 of the Ld. CIT(A). At the time of hearing, Revenue was represented by Ms. Rakhi Vimal, the learned Senior Departmental Representative ("Ld. Sr. DR", for short). However, none was present from the assessee's side. In the absence of any representation from assessee's side, at the time of hearing before us, we heard the Ld. Sr. DR; who relied upon the order dated 20.12.2011 of the Assessing Officer and the aforesaid impugned order dated 30.01.2015 of the Ld. CIT(A). After perusal of the materials on record, including the order of the AO and the aforesaid impugned order dated 30.01.2015 of the Ld. CIT(A), we find that the Ld. CIT(A) has passed speaking order on merits. Relevant portion of the impugned order of the Ld. CIT(A) has already been reproduced in foregoing paragraph [B.1] of this order. We find that the Ld. CIT(A) has given detailed reasons for his decision on merits in the aforesaid impugned appellate order dated 30.01.2015 of Ld. CIT(A). During appellate proceedings in Income Tax Appellate Tribunal ("ITAT", for short) no material has been brought for our consideration to persuade us to take a view different from the view taken by the Ld. CIT(A) in the impugned order on merit. After hearing the Ld. DR and after perusal of materials on record, and further, in view of the foregoing discussion, we decline to interfere with the aforesaid impugned appellate order dated 30.01.2015 of Ld. CIT(A).

[D] In view of the foregoing discussion, the appeal filed by Assessee is dismissed. Before we part; **we explicitly clarify that the assessee will be at liberty to approach ITAT for restoration of the appeal in accordance with Proviso to**

Rule 24 of Income Tax (Appellate Tribunal), Rules, 1963. If the assessee does approach ITAT for restoration of the appeal in ITAT, the matter will be considered in accordance with law having regard to the facts and circumstances.

[E] In the result, appeal filed by Assessee is dismissed.

Order pronounced in the open court on 04/10/19

Sd/-
(AMIT SHUKLA)
JUDICIAL MEMBER

Sd/-
(ANADEE NATH MISSHRA)
ACCOUNTANT MEMBER

Dated: 04/10/19
Pooja/

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
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	