

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'A', NEW DELHI**

Before Ms. Sushma Chowla, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

ITA No. 284/Del./2017 : Asstt. Year : 2009-10

Asstt. Commissioner of Income Tax, Central Circle-27, New Delhi-110055	Vs	M/s A. R. Leasing Pvt. Ltd., 305, 3 rd Floor Bhanot Corner, Pamposh Enclave, G.K.-1, New Delhi
(APPELLANT)		(RESPONDENT)
PAN No. AAACA0423A		

**Assessee by : Sh. M. P. Rastogi, Adv.
Revenue by : Sh. Sanjay Goyal, CIT DR**

Date of Hearing: 01.10.2019

Date of Pronouncement: 05.11.2019

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the revenue against the order of the Id. CIT(A)-29, New Delhi dated 20.10.2016.

2. Following ground has been raised by the revenue:

"That on the facts and in the circumstances of the case, the Ld. CIT(A) has erred in law and on facts in deleting the addition of Rs. 6,99,60,000/- made u/s 68, without appreciating the facts that the assessee failed to establish the identity and creditworthiness of the creditor and genuineness of transaction.

2. That on the facts and in the circumstances of the case, the Ld. CIT(A) failed appreciate the facts that M/s Adhyay Equipref Pvt. Ltd. has opening balance at Rs. 48357/- as on 3.4.2008 & amount of Rs. 11,99,75,000/- was credited between 3.4.2008 to 8.4.2008. Out of the above amount Rs. 6,00,00,000/- was paid for the share application money to M/s

Anshika Investment Pvt. Ltd. both companies being sister concerns.

3. That on the facts and in the circumstances of the case, the Ld. CIT(A) failed to appreciate the facts that similar patterns of banking transaction have been observed in the bank account of the other subscribing entities i.e. M/s Rupali Sarees, M/s Jagdamba Designers Pvt. Ltd., M/s Anchor Vinimay Pvt. Ltd. and M/s Khusboo Bearing Pvt. Ltd. It is beyond imagination as to why any prudent business entity would invest in any concern after paying such huge premium.

<i>a) M/s Rupali Saree Pvt. Ltd.</i>	<i>Rs. 24,80,000/-</i>
<i>b) M/s Jagdamba Designers Pvt. Ltd.</i>	<i>Rs. 24,80,000/-</i>
<i>c) M/s Anchor Vinimay Pvt. Ltd.</i>	<i>Rs. 30,00,000/-</i>
<i>d) M/s Khusboo Bearing Pvt. Ltd.</i>	<i>Rs. 20,00,000/-</i>
<i>Total</i>	<i>Rs. 99,60,000/-</i>

4. That the order of the CIT(A) is perverse, erroneous and is not tenable on facts and in law.

5. That the grounds of appeal are without prejudice to each other."

3. All the grounds are inter-related.

4. Heard the arguments of both the parties and perused the material available on record.

5. The addition of Rs. 6,99,60,000/- was earlier made in the order passed u/s 143(3). The same order has been appeal before the ITAT and the additions made thereof already stands deleted by the order of the Co-ordinate Bench of ITAT in ITA No.2263/Del/2013.

6. The Assessing Officer has repeated the same additions in the order passed u/s 153A. The Ld. CIT(A) deleted these

additions as these additions stands deleted by the ITAT in ITA No.2263/Del/2013. Since, the addition made u/s 143(3) has been repeated in the order passed u/s 153A and keeping in view the fact that the addition made u/s 143(3) stands deleted, we hereby decline to interfere with the order of the Id. CIT (A).

7. Similarly, the issue of addition related to Section 14A has been send back to the Assessing Officer by the Co-ordinate Bench of ITAT, in ITA No.2263/Del/2013. Since these are repetitive additions made in the order passed u/s 143(3) as well as 153A, we hereby decline to interfere with the order of the Id. CIT (A) on this issue.

8. In the result, the appeal of the revenue is dismissed.

Order Pronounced in the Open Court on 05/11/2019

Sd/-

(Sushma Chowla)
Judicial Member

Dated: 05.11.2019

Subodh

*Kavita Arora

Copy forwarded to:

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

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

ASSISTANT REGISTRAR

