



ITA No.6532/Mum/2018
Smt. Karishma Sumeet Mehta
Assessment Year :2012-13

आयकर अपीलीय अधिकरण “एक-सदस्य मजलम” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, MUMBAI

मजनीय श्री सी. एन. प्रसाद, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI C.N. PRASAD, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आकरअपील सं./ I.T.A. No.6532/Mum/2018
(निर्धारण वर्ष / Assessment Year: 2012-13)

ITO-Ward-33(2)(2) Room No.609, 6 th Floor C-12, Pratyakshkar Bhavan BKC-Mumbai-400 051.	बनाम/ Vs.	Smt. Karishma Sumeet Mehta 26/12, Sakar Gali Carnac Bunder Mumbai.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AYWPM-5404-C		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	None
Revenue by	:	Shri R. Bhoopathi – Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	05/12/2019
घोषणा की तारीख / Date of Pronouncement	:	05/12/2019

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by revenue for Assessment Year [in short referred to as ‘AY’] 2012-13 contest the order of Ld. Commissioner of Income-Tax (Appeals)-45, Mumbai, [in short referred to as ‘CIT(A)’], Appeal No. CIT(A)-45/ITO-33(2)(2)/ITA-140/2015-16 dated 10/07/2018. It is evident from grounds of appeal that the sole issue that arises for our



consideration is estimated additions on account of *alleged bogus purchases*.

2. None appeared for assessee and keeping in view the issue involved, the matter was proceeded with *ex-parte qua* the assessee. We have perused relevant material on record and submissions made by revenue.

3.1 Facts on record would reveal that the assessee being resident individual stated to be engaged in the business of chemicals under proprietorship concern namely M/s Giriraj Chemicals, was assessed for year under consideration u/s. 143(3) on 24/03/2015 wherein the income of the assessee was determined at Rs.17.09 Lacs, after sole addition of alleged bogus purchases for Rs.15.03 Lacs as against returned income of Rs.2.05 Lacs filed by the assessee on 21/09/2012.

3.2 Pursuant to receipt of certain information from Sales Tax Department, Maharashtra, it was alleged that the assessee obtained bogus purchases bills amounting to Rs.60.13 Lacs from 9 entities, the details of which have already been extracted at para-4.2 of the quantum assessment order. The assessee voluntarily agreed to offer extra profit element embedded in the above transactions. The Ld. AO estimated the same @25% and added amount of Rs.15.03 Lacs to the income of the assessee.

4. The learned CIT(A), after weighing the factual matrix, found the estimation to be on higher side and therefore, reduced the same to 12.5%. Aggrieved, the revenue is in further appeal before us.

5. After careful consideration, we are of the considered opinion that there could be no sale without actual purchase of material keeping in



ITA No.6532/Mum/2018
Smt. Karishma Sumeet Mehta
Assessment Year :2012-13

view the assessee's nature of business. Undisputedly the assessee was in possession of primary purchase documents and the payments to the suppliers were through banking channels. However, at the same time, the assessee failed to produce any of the suppliers to confirm the transactions and voluntarily offered profit element embedded in the transactions. Keeping in view assessee's nature of business, the estimation of 12.5% as made by Ld. CIT(A) could not be said to be unfair or unreasonable, in any manner. Therefore, by confirming the same, we dismiss the appeal.

6. Resultantly, the appeal stands dismissed.

Order pronounced in the open court on 05th December, 2019.

Sd/-

(C.N. Prasad)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 05/12/2019
Sr.PS, Jaisy Varghese

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/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.**