



**IN THE INCOME TAX APPELLATE TRIBUNAL
MUMBAI BENCH "SMC", MUMBAI**

BEFORE SHRI R.C. SHARMA, ACCOUNTANT MEMBER

ITA NO.434/MUM/2019 : A.Y : 2010-11

**ITO – 8(2)(2),
Room No.622, 6th Floor
Aayakar Bhawan
M.K.Road, Mumbai**

**vs. M/s. Smit Exports Pvt. Ltd.,
18/338, Narshi Natha Street
Masjid Bunder
Mumbai – 400 003
PAN No.AAECs1945H**

**Revenue by : Shri Anoop Hiwase
Assessee by : Shri H.B. Gandhi**

**Date of Hearing : 27/01/2020
Date of Pronouncement : 27/01/2020**

ORDER

PER R.C. SHARMA, ACCOUNTANT MEMBER

This is an appeal filed by the revenue against the order of CIT(A)—6, Mumbai dated 30/11/2018 for A.Y.2010-11 in the matter of order passed u/s.143(3) r.w.s. 147 of the Income Tax Act, 1961.

2. In this appeal revenue is aggrieved for restricting the addition on account of bogus purchases to the extent of 12.5%.

3. I had gone through the orders of the authorities below and found that addition made on account of bogus purchases was restricted by CIT(A) to the extent of 12.5% after threadbare dealing with the observation and finding of the AO. The CIT(A) has applied the judicial pronouncements as laid down by Gujarat High Court in case of Simit P Sheth 356 ITR 451 and after considering the entire material on records

and the facts of the case, restricted the addition to the extent of 12.5%. Nothing was produced before me to persuade me to deviate from the findings recorded by CIT(A) at para 4.3 to 4.3.6. Accordingly, I do not find any reason to interfere in the order of CIT(A).

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

Order pronounced in the open court on this 27/01/2020

**Sd/-
(R.C.SHARMA)
ACCOUNTANT MEMBER**

Mumbai; Dated 27/01/2020
Karuna Sr.PS

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. The CIT(A), Mumbai.
4. CIT
5. DR, ITAT, Mumbai
6. Guard file.

BY ORDER,

सत्यापित प्रति //True Copy//

(Asstt. Registrar)

ITAT, Mumbai