

INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "B": NEW DELHI  
BEFORE SHRI SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER  
AND  
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER

ITA No. 5487/Del/2015  
(Assessment Year: 2010-11)

BIC Logistics Venture Ltd, A-261, Defence Colony, New Delhi PNA: AADCB7161M	Vs.	DCIT, Circle-5(1), New Delhi
(Appellant)		(Respondent)

Assessee by :	None
Revenue by:	None
Date of Hearing	05/11/2019
Date of pronouncement	03/02/2020

O R D E R

PER PRASHANT MAHARISHI, A. M.

1. This appeal is filed by the assessee against the orders of the Id CIT(A)-2, New Delhi dated 10.03.2015 for Assessment Year 2010-11.
2. Brief facts of the case is that the assessee is a company rendering transportation and warehousing. It filed its return of income on 03.11.2011 at Rs. 1,30,87,800/-. The income of the assessee was assessed u/s 143(3) of the Act at Rs. 3,08,59,170/- wherein, addition of Rs. 1,77,71,372/- was made on various counts. Therefore, the assessee is in appeal before us.
3. Despite, notice none appeared on behalf of the assessee. Assessee is seeking adjournment on last four occasions but neither submitted paper nor made any submission. The assessee after filing the appeal is not cooperating in prosecuting the appeal. Thus, we do not find any other alternative but to decide the issue on merits of the case.
4. The Id DR has also filed an application stating that he also need time for preparation. However, no reference was given about what preparation is required to be done by the Id DR in appeal of the assessee. In view of this, we proceed to decide the issue on merits of the case.
5. It is also to be noted that the notice issued by the registry at the address given has come back unserved with a postal remark "assessee has left from

that address". Such notice received back on 13.04.2019. After filing the appeal it is for the assessee to intimate its address in case of change of address therein. The assessee has also not cared to do that.

6. Coming to the ground No. 1 it is against the disallowance of director's remuneration of Rs. 41,51,920/-. The ld AO noted that the assessee has not taken any statutory approval for the director's remuneration. The assessee also did not furnish any information about the same. According to the ld AO assessee failed to obtain timely approval from govt authority for payment of above sum. Therefore, disallowance was made. The ld CIT(A) dismissed the appeal as none appeared before him. Before us also there is no compliance by the assessee. In view of this, we do not find infirmity in the order of the lower authorities in confirming the disallowance of Rs. 4151920/- paid to the directors of the company as remuneration paid was without approval. Hence, we dismiss ground No. 1 of the appeal.
7. Ground No. 2 of the appeal is against the disallowance of Rs. 68,17,144/- incurred in cash. It was noted that in the tax audit report there is a specific mention about the unsupported payment incurred in cash with the approval of the Managing Director. The assessee did not submit any details before the ld AO or the ld CIT(A). Before us also no information is given. Therefore, we confirm the disallowance and dismissed ground No. 2 of the appeal.
8. Ground No. 3 is with respect to disallowance of Rs. 22598318/- on account of write off of other staff advances. The assessee failed to show that whether these advances are allowable or not. No information was submitted that how this expenditure/ loss allowable has been incurred during the year. In absence of any evidence available, it cannot be said that staff advances balance written off are allowable either u/s 28 or u/s 37(1) of the Act. Accordingly, Ground No. 3 of the appeal is dismissed.
9. Ground No. 4 of the appeal is with respect to the addition of Rs. 4542990/- being cash deposit in the bank account. The ld AO noted that as per the information available the assessee has deposited Rs. 4542990/- in the bank account, however no explanation was given, wherefrom this sum was credited or received. Thus, lower authorities confirmed the above addition. Even before us no information is submitted. Thus, ground No. 4 of the appeal is dismissed and the addition is confirmed.

10. In the result appeal of the assessee is dismissed.

Order pronounced in the open court on 03/02/2020.

-Sd/-  
(SUDHANSHU SRIVASTAVA)  
JUDICIAL MEMBER

-Sd/-  
(PRASHANT MAHARISHI)  
ACCOUNTANT MEMBER

Dated: 03/02/2020  
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi