

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

BEFORE SHRI R.C.SHARMA, AM & SHRI VIKAS AWASTHY, JM

**ITA No. 1118/Mum/2019
(Assessment Year: 2007-08)**

J.C.I.T. (OSD), Central Circle-5(1), Room No. 1926, 19 th Floor, Air India Building, Nariman Point, Mumbai-400021.	Vs.	M/s Hicons Construction B-201, Leo Apartments, 24 th Road, Khar (W), Mumbai-52.
PAN/GIR No.AAEFH 3281 J		
(Appellant)	..	(Respondent)

Revenue by	Shri Amit Pratap Singh (DR)
Assessee by	None
Date of Hearing	11/02/2020
Date of Pronouncement	12/02/2020

आदेश / ORDER

PER: R.C. SHARMA, A.M.

This is the appeal filed by the revenue against the order of the Id. CIT(A)-53, Mumbai dated 28/11/2018 for the A.Y. 2007-08 in the matter of order passed U/s 144 r.w.s. 147 of the Income Tax Act, 1961 (in short, the Act).

2. In this appeal, the revenue is aggrieved by the order of the Id. CIT(A) for restricting addition on account of bogus purchases to the extent of 25% which was made by the A.O. at 100%.

3. We have gone through the orders of the authorities below and found that the assessee is builder and developer. On getting information from the Sales Tax Department to the effect that the assessee has taken bogus purchase bills. The A.O. reopened the assessment and added 100% in assessee's income. By the impugned order, the Id. CIT(A) has dealt with the issue threadbare and after considering all the facts and circumstances of the case and various judicial pronouncements restricted the addition to the extent of 25% of such bogus purchases. Nothing was pointed out by the Id DR so as to persuade us to deviate from the findings of the Id. CIT(A), accordingly we do not find any reason to interfere in the order of the Id. CIT(A) for restricting addition to the extent of 25% of bogus purchases keeping in view the facts and circumstances of the case. Hence, we uphold the same.

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

Order pronounced in the open court on 12th February, 2020.

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

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

Mumbai; Dated 12/02/2020

*Ranjan

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.

सत्यापित प्रति //True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai