



ITA No.4395/Mum/2018
Shri Ramesh Sawantmal Bhansali
Assessment Year :2010-11

आयकर अपीलीय अधिकरण “डी” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, MUMBAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ I.T.A. No.4395/Mum/2018
(निर्धारण वर्ष / Assessment Year: 2010-11)

ITO-19(3)(1) Room No.202, 8th Floor Matru Mandir Mumbai-400 007.	बनाम/ Vs.	Shri Ramesh Sawantmal Bhansali 35-39, Sagar Building V.P. Road Mumbai- 400 004.
स्थायी लेखा सं./जी आइ आर सं./PAN/GIR No. AEMPB-0518-A		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri Rajkumar Singh -Ld.AR
Revenue by	:	Ms. Jyoti Lakshmi Nayak -Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	04/02/2020
घोषणा की तारीख / Date of Pronouncement	:	19/02/2020

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’] 2010-11 contest the order of Ld. Commissioner of Income-Tax (Appeals)-54 , Mumbai, [in short referred to as ‘CIT(A)’], order dated 13/04/2018, Appeal No. CIT(A)-30/IT-10326/ITO.19(3)(1)/2017-18 on following grounds of appeal:-

- Whether on the facts and in the circumstance of the case and in law, the Ld. CIT(A) has erred in directing AO to restrict the estimation of the profit @ 12.5 instead of 25% of the total non-genuine purchases without accepting that the assessee did not discharge his duty



ITA No.4395/Mum/2018
Shri Ramesh Sawantmal Bhansali
Assessment Year :2010-11

to prove that the purchases made from the thirteen parties were genuine and did not produce any delivery challans, transport receipts, goods inward register maintained at goddown etc?."

2) "Whether on the facts and in the circumstance of the case and in law, the Ld.CIT(A) has erred in directing AO to reduce the GP already shown by the assessee on these bogus purchases without accepting that the assessee did not discharge his duty to prove that the purchases made from the thirteen parties were genuine and did not produce any delivery challans, transport receipts, goods inward register maintained at goddown etc?."

3) "Whether on the facts and in the circumstance of the case and in law, the Ld.CIT(A) is justified in confirming the addition @ 12.5 profit rate on total purchases of Rs. 3,04,49,187/- made by the assessee from the thirteen parties when during the investigation by sales tax department of Maharashtra Government, it was conclusively proved beyond doubt that these parties are only into providing accommodation entries and do not do any real business?"

4) The appellant prays that the order of the Ld. CIT(A) on the above grounds be set aside and that of the Assessing Officer be restored."

As evident from grounds of appeal, the sole issue that arises for our consideration is estimated additions on account of *alleged bogus purchases*.

2. The Ld. Authorized Representative for Assessee (AR), at the outset, submitted that the assessee had also preferred further appeal against the appellate order before this Tribunal vide ITA No.4690/Mum/2018 order dated 05/11/2019 wherein the matter has been restored back with certain directions. A copy of the order has been placed on record.

3. In the above background, we find that the assessee being resident individual was assessed for year under consideration u/s 143(3) r.w.s. 147 on 29/01/2016 wherein it was saddled with estimated additions of 25% against *alleged bogus purchases* for Rs.304.49 Lacs. Upon further appeal, Ld. CIT(A) restricted the additions to 12.5%. Aggrieved, the assessee as well as revenue preferred further appeal against the same.

4. We find that the assessee's appeal has already been disposed-off by SMC bench of this Tribunal vide ITA No. 4690/Mum/2018 order dated



ITA No.4395/Mum/2018
Shri Ramesh Sawantmal Bhansali
Assessment Year :2010-11

05/11/2019 wherein vide para-8, Ld. AO has been directed to restrict the additions by bringing gross profit on such bogus purchases as the same rate as that of other genuine purchases.

5. Since a view has already been taken in the matter and certain directions have already been issued to Ld. AO in the matter of estimation, respectfully following the same, we dismiss the revenue's appeal.

6. The appeal stands dismissed.

Order pronounced in the open court on 19th February, 2020.

Sd/-
(Mahavir Singh)
उपाध्यक्ष / **Vice President**

Sd/-
(Manoj Kumar Aggarwal)
लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 19/02/2020
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.