

*IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA BENCH "SMC" KOLKATA*

Before **Shri S.S, Godara, Judicial Member**

ITA No.2433/Kol/2019 Assessment Year:2011-12
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M/s Swadist Sweets Pvt. Ltd., 77 & 79, Sri Arabinda Road, Crescent Plaza, Howrah-711106 [PAN No.AADCS 8402 L]	बनाम/ V/s.	Income Tax Officer, Ward-12(2), Aayakar Bhawan, P-7, Chowringhee Square, Kolkata-700 069
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	ShriS.M.Surana, Advocate
प्रत्यर्थी की ओर से/By Respondent	Mrs. Ranu Biswas, Addl. CIT-SR-DR
सुनवाई की तारीख/Date of Hearing	28-01-2020
घोषणा की तारीख/Date of Pronouncement	19-02-2020

आदेश /O R D E R

This assessee's appeal for assessment year 2011-12, arises against the Commissioner of Income-tax (Appeals)-17, Kolkata's order dated 17.09.2019 passed in case No.103/CIT(A)-17/Kol/18-19, involving proceedings u/s. 144 r.w.s. 147 of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. The assessee's sole substantive grievance pleaded in the instant appeal challenges correctness of both the lower authorities' action making bogus loss addition of ₹15,00,000/- during the course of assessment as upheld in lower appellate proceedings.

3. I have given my thoughtful consideration to rival contentions against and in support of the impugned addition. There is no dispute that the amount in question has been received from M/s Dolphin Shoppers Pvt. Ltd., through bank account. Mrs. Biswas strongly supported the same on the ground that the assessee failed to explain source thereof in the lower proceedings. I find no merit to concur with the Revenue's foregoing argument. The fact remains that the Assessing Officer's assessment order dated 23.12.2017 has failed to indicate any corresponding transactions between assessee and M/s Dolphin Shoppers Pvt. Ltd., finally culminating in the impugned loss figure. Case file suggests that the Assessing Officer had initially sought to treat the sum in question as income from undisclosed sources. This was later added as bogus loss without any evidence in support. I therefore direct the Assessing Officer to delete the impugned addition of bogus loss for this precise reason alone.

4. This assessee's appeal is allowed.

Order pronounced in open court on 19/02/2020

Sd/-
(S.S. Godara)
Judicial Member

Kolkata,
*Dkp/Sr.PS

दिनांक:- 19/02/2020 कोलकाता

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. अपीलार्थी/Appellant-M/s Swadist Sweets Pvt. Ltd., 77 &79, Sri Arabinda Road
Crescent Plaza, Howrah-711106
2. प्रत्यर्थी/Respondent-ITO Ward-12(2), Aayakar Bhawan, P-7, Chowringhee Square
Kolkata-700 069
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

सहायक पंजीकार
आयकर अपीलीय अधिकरण,
कोलकाता ।