

**IN THE INCOME TAX APPELLATE TRIBUNAL  
(DELHI BENCH: 'G': NEW DELHI)**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER  
AND  
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No:- 5104/Del/2016  
(Assessment Year: 2009-10)**

Salora International Ltd. D-13/4 Okhla Industrial Area, Phase II, New Delhi.	Vs.	The Assistant Commissioner of Income Tax, Circle 22(1), New Delhi.
<b>PAN No:</b> AAACS3041G		
<b>APPELLANT</b>		<b>RESPONDENT</b>

**Assessee By** : None  
**Revenue By** : Shri Saras Kumar, Sr. DR

**Per Anadee Nath Misshra, AM**

**(A)** This appeal by Assessee is filed against the impugned appellate order of Learned Commissioner of Income Tax (Appeals)-17, New Delhi ["Ld. CIT(A)", for short], dated 20.07.2016 for Assessment Year 2009-10. Grounds taken in this appeal of Assessee are as under:

*"1. On the facts and circumstances of the case the Assessing Officer is wrong in disallowing a sum of Rs. 7,58,909/- on account of bad debts.*

*2. The assessee claimed Rs. 7,58,909/- under Section 36(I)(vii) of the Income Tax Act and Commissioner (A) has disallowed.*

*3. The assessee had filed complete details of bad debts written off with name, address and Permanent Account Number wherever available. The papers were filed before the Assessing officer and the Ld. CIT(A). On these facts, the Commissioner (A) is wrong in disallowing a sum of Rs. 7,58,909/-.*

*4. That the addition made is against the law & facts of the case."*

**(B)** The issue in dispute relates to assessee's claim for deduction amounting to Rs. 7,58,909/- on account of bad debt written off. The disallowance made by the Assessing Officer ("AO", for short) was confirmed by Ld. CIT(A) on the ground, that neither the assessee proved or explained, before the Assessing Officer or before the Ld. CIT(A) that the aforesaid amount was in the nature of bad debt; nor it could be substantiated that these debts had been taken into account in computing the total income of the assessee as provided u/s 36(2) of the I.T. Act. At the time of hearing before us, the assessee was represented by none. In the absence of any representation from the assessee's side, we heard the Ld. Senior Departmental Representative ("Sr. DR", for short) of Revenue, who relied on impugned appellate order dated 20.07.2016 of Ld. CIT(A). We find from perusal from records, that the assessee has failed to substantiate the claim for deduction of aforesaid amount of Rs. 7,58,909/-; as the assessee has failed to provide materials to show compliance with mandatory requirements u/s 36(2) of I.T. Act. In the absence of materials to prove that mandatory requirements u/s 36(2) of I.T. Act are met in this case, the aforesaid disallowance of Rs. 7,58,909/- is confirmed and assessee's appeal is dismissed.

**(C)** Before we part, we explicitly clarify that the assessee will be at liberty to approach ITAT for restoration of this appeal in accordance with Proviso to Rule 24 of Income Tax (Appellate Tribunal), Rules, 1963. If the assessee does approach ITAT for restoration of the appeals in ITAT, the matter will be considered in accordance with law having regard to the facts and circumstances.

**[D]** For statistical purposes, appeal filed by Assessee is partly allowed.

Order is pronounced in Open Court on 28/02/2020.

Sd/-

Sd/-

**(AMIT SHUKLA)**  
**JUDICIAL MEMBER**

**(ANADEE NATH MISSHRA)**  
**ACCOUNTANT MEMBER**

Dated: 28/02/2020  
Pooja/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR  
ITAT NEW DELHI

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	