

**IN THE INCOME TAX APPELLATE TRIBUNAL “C”
BENCH, MUMBAI**

**BEFORE SHRI SAKTIJIT DEY, JM &
SHRI S. RIFAUR RAHMAN, AM**

आयकरअपीलसं./ I.T.A. No. 1540/Mum/2017
(निर्धारणवर्ष / Assessment Year: 2011-12)

Parimal M. Patel, B-402, Safalya, Mahavir Nagar, Near Sankalp Hotel, Off. Satya Nagar, Kandivali West Mumbai-400 067.	बनाम/ Vs.	ITO Ward – 26(1)(3), Pratyakshakar Bhavan, Bandra East, Mumbai-400 051
स्थायीलेखासं./जीआइआरसं./PAN No. AGLPP7360B		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	None
प्रत्यर्थीकीओरसे/ Respondentby	:	Shri Kumar Padmapani Bora, DR
सुनवाईकीतारीख/ Date of Hearing	:	16.12.2019
घोषणाकीतारीख / Date of Pronouncement	:	26.02.2020

आदेश / ORDER

Per S. Rifaur Rahman, Accountant Member:

The present Appeal has been filed by the assessee against the order of Ld. Commissioner of Income Tax - 46 in short

referred as 'Ld. CIT(A)', Mumbai, dated 29.12.16 for Assessment Year (in short AY) 2011-12.

2. At the time of hearing, we notice that none appeared on behalf of the assessee after filing the present appeal. The case was posted for hearing on 02.07.17 and subsequently on 06.09.18, 10.10.18, 26.03.19, 21.08.19, 18.09.19 and finally on 16.12.19, none appeared on behalf of the assessee. We further notice that that assessee had not appeared before Ld. CIT(A), even though Ld. CIT(A) has given several opportunities to appear before him, but assessee has not appeared, therefore Ld. CIT(A) dismissed the appeal of the assessee by considering to the concise note submitted by the assessee. In the concise note and also before AO, assessee informed that its books of account confiscated by Sales Tax Department and accordingly, assessee has not submitted any of the books of account and other relevant information before AO, therefore AO estimated the GP @ 3% and AO further notice that assessee has made cash deposits in its bank account to the extent of Rs. 8,10,47,300/- as unexplained

cash credit u/s 68 of the Act and accordingly, AO disallowed 10% of the above cash deposits.

3. Since assessee has not submitted any documents before Ld. CIT(A), even though Ld. CIT(A) has given several opportunities and even before us, assessee has filed the appeal, but failed to appear before us on the aforementioned dates nor submitted any documents in support of his appeal nor appointed any authorized representative to appear on his behalf. Since, there is no representation from assessee side to substantiate its claim, we are inclined to accept the findings of tax authorities.

4. We notice that AO has estimated the GP based on the earlier years data and since assessee could not substantiate with proper documents to claim that he has actually earned GP less than 3%. In respect of higher GP in earlier years, we are inclined to accept the findings of AO.

5. With regard to cash deposits, we notice that assessee has huge deposits in its bank account to the extent of Rs. 8,10,47,300/- and assessee could not substantiate the reasons for

such huge cash deposits, therefore AO has disallowed @ 10% of the cash deposits u/s 68 of the Act. Since, there is no representation, we are inclined to accept the estimation adopted by AO. Accordingly, grounds raised by the assessee are **dismissed.**

6. In the net result, the appeal filed by the assessee stands **dismissed.**

Order pronounced in the open court on 26th Feb 2020.

<i>Sd/-</i> (Saktijit Dey) न्यायिकसदस्य / Judicial Member	<i>Sd/-</i> (S. Rifaur Rahman) लेखासदस्य / Accountant Member
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मुंबई Mumbai;दिनांक Dated : 26.02.2020
Sr.PS. Dhananjay

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/सहायकपंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई/ ITAT, Mumbai