

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

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

ITA No.268/Ran/2019 Assessment Year:2011-12

Deepak Kumar Gupta Nr. Forest Colony, Polytechnic Road, Dhanbad [PAN No.ACLPG 2748 N]	<u>बनाम/</u> V/s.	Income Tax Officer Ward-1(3), Dhanbad- 826001
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri Devesh Poddar, Advocate
प्रत्यर्थी की ओर से/By Respondent	Shri Ajay Kumar Addl.CIT-DR
सुनवाई की तारीख/Date of Hearing	04-03-2020
घोषणा की तारीख/Date of Pronouncement	04-03-2020

आदेश /O R D E R

(Oral)

This assessee's appeal for assessment year 2011-12, arises against the Commissioner of Income-tax (Appeals)-Dhanbad's order dated 21.08.2019 passed in case No.CIT(A), Dhanbad/10115/2017-18, involving proceedings u/s. 147 r.w.s. 144 of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. Learned counsel representing assessee is fair enough in not pressing for his former two substantive grounds challenging validity of re-opening as well as FDR addition of Rs.48,000/-; respectively.

3. Next comes the sole surviving issue of profit rate addition @ 3.78% Rs.3,86,553/-; *qua* the alleged difference in turnover of Rs.1,02,26,270/- treated as alleged cash deposits. I notice from para-9 of the assessment order that the Assessing Officer has made it clear that two credit instances of Rs.40,75,861/- and Rs.95,81,597/- represented assessee's wife Smt.Nirmala Gupta's as many proprietorship concerns namely M/s Ganpati Sales and Anil Enterprises ; respectively. The aggregate of both these sums very well exceeds the alleged difference in turnover of Rs.1.02,26,270/- leaving no scope of any such profit estimation in assessee's hands since not representing this taxpayer's income. I accordingly delete the same. Necessary computation including that of interest shall follow as per law.

4. This assessee's appeal is partly allowed in above terms.

Order pronounced in open court at the close of hearing on Wednesday, 4th March, 2020

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

*Dkp/Sr.PS

दिनांक:- 04/03/2020 रांची

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

1. अपीलार्थी/Appellant-Sri Deepak Kumar Gupta, Nr. Forest Colony, Polytechnic Dhanbad-826001
2. प्रत्यर्थी/Respondent-ITO Wd-1(3), Aaykar Bhawan, L.C. Road Dhanbad-826001
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण रांची / DR, ITAT, Ranchi
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

Sr. Private Secretary/P.S (on Tour)
आयकर अपीलीय अधिकरण, रांची ।