

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

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

ITA No.26/Ran/2019 Assessment Year:2015-16
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Shri Sunil Kumar Singh C/o R.K.Patnia & CO. 1 st , Floor, Rathore Mansions Bank More Dhanbad-826001 [PAN No.CPKPS 2294 R]	<u>बनाम/</u> V/s.	Income Tax Officer Ward-1(2), Dhanbad- 826001
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri Devesh Poddar, Advocate
प्रत्यर्थी की ओर से/By Respondent	Smt. Nisha Oraon Singhmarr, JCIT-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 2015-16, arises against the Commissioner of Income-tax (Appeals)-Dhanbad's order dated 19.09.2018 passed in case No.CIT(A), Dhanbad/10110/2017-18, involving proceedings u/s. 143(3) of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused.

2. The assessee's solitary grievance raised in the instant lis challenges both the lower authorities' action enhancing his net profit ratio from 0.98% to 2.75% culminating in addition of Rs.9,01,180/-. They have also adopted same comparable case(s) as well for making the impugned addition. I notice in this backdrop of facts that neither the assessee has been able to prove its impugned so-called lower profit

rate of 0.98% by incurring the corresponding expenses and proved by the relevant cogent evidences nor there is any indication that the lower authorities have noticed any specific irregularity in the books of account forming part of records. I therefore deem it appropriate that neither party's stand deserves to be upheld in entirety. I accordingly restrict the impugned addition of Rs.9,01,180/- to a lump sum figure of Rs.3,00,000/- only with a rider that the same shall not be treated as a precedent in any other case. Necessary computation including that of interest shall follow as per law.

3. 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 Sunil Kr. Singh C/o R.K. Patnia &Co. 1st Floor, Rathore Mansion Bank More, Dhanbad-826001
2. प्रत्यर्थी/Respondent-ITO Wd-1(2), 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 ।