

आयकर अपीलीय अधिकरण "एफ" न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
"F" BENCH, MUMBAI

माननीय श्री शक्तिजी दे, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON'BLE SHRI SAKTIJIT DEY, JM AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
(Hearing Through Video Conferencing Mode)

आयकर अपील सं./ I.T.A. No.4026/Mum/2019
(निर्धारण वर्ष / Assessment Year: 2011-12)

ACIT-29(1) R.No.402, 4 th Floor Kautilya Bhavan, Nr. Videsh Bhavan Bandra Kurla Complex Bandra (E), Mumbai – 400 051	बनाम/ Vs.	Ms Jasmina Sanjay Doshi C-7, Nandanvan CHS BP Cross Road, Mulund (W) Mumbai – 400 080
PAN/GIR No. ADPPD-3896-D		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	None
Revenue by	:	Shri Chintamani Dingankar-Ld.Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	25/11/2020
घोषणा की तारीख / Date of Pronouncement	:	25/11/2020

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. At the time of hearing, none appeared for assessee. However, the material on record was sufficient for disposal of this appeal filed by revenue. Therefore, the matter was proceeded with for disposal. The department is challenging the action of Ld. first appellate authority in restricting certain addition on account of alleged bogus purchases.

2. The assessee was subjected to reassessment proceedings for the year under consideration pursuant to receipt of certain information from DGIT(Inv.) that the assessee entered into hawala transactions of purchases aggregating to Rs.22.69 Lacs from two entities. The details of the same have already been extracted in para-3 of the assessment order dated 29/01/2016. Notices issued u/s 133(6) to both the entities elicited no response. The assessee failed to produce any of the suppliers to confirm the transactions. However, the assessee submitted invoices, ledger accounts along with copies of bank statement evidencing payment through banking channels. However, opining that the purchases were not verifiable, Ld. AO estimated addition of 12.5% against these purchases.

3. Before Ld. first appellate authority, the assessee, *inter-alia*, pointed out that it already offered Gross Profit Rate of 9.20% and the sales were not doubted. Accepting the said plea, Ld. AO was directed to give the benefit of GP rate already offered by the assessee and restrict the additions to 3.3% of suspicious purchases. Aggrieved, the revenue is in further appeal before us.

4. Upon due consideration of factual matrix as enumerated in preceding paragraphs, we find no infirmity in the action of Ld. CIT(A) in granting the benefit of GP rate already offered by the assessee since making further additions of 12.5% would enhance the GP rate to abnormal levels of 21.70%. Therefore, finding no substance in the appeal, we dismiss the same.

5. The appeal stands dismissed.

Order pronounced on 25th November, 2020.

Sd/-

(Saktijit Dey)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 25/11/2020

Sr.PS:-Jaisy Varghese

आदेश की प्रतिलिपि □ ग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त(अपील) / The CIT(A)
4. आयकर आयुक्त/ CIT– concerned
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, मुंबई/ DR, ITAT, Mumbai
6. गार्डफाईल / Guard File

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकर अपीलीय अधिकरण, मुंबई / ITAT, Mumbai.