

IN THE INCOME TAX APPELLATE TRIBUNAL  
KOLKATA 'A' BENCH, KOLKATA

(Before Sri J. Sudhakar Reddy, Hon'ble Accountant Member & Shri Sanjay Garg, Hon'ble Judicial Member)  
[VIRTUAL COURT HEARING]

ITA No. 216/Kol/2020  
Assessment Years: 2012-13

*Deputy Commissioner of Income Tax, Circle-1(2), Kolkata.....Appellant*  
Vs.

*M/s. The Calcutta Jute Manufacturing Company Pvt. Ltd.....Respondent*  
24/1/1, Alipore Road  
3<sup>rd</sup> Floor  
Alipore  
Kolkata - 700 027  
[PAN : AABCT 0005 G]

**Appearances by:**

*Shri S.M. Surana, Advocate, appeared on behalf of the assessee.*  
*Shri Dhruvajyoti Roay, JCIT, D/R, appearing on behalf of the Revenue.*

Date of concluding the hearing : December 29<sup>th</sup>, 2020

Date of pronouncing the order : February 3<sup>rd</sup>, 2021

**ORDER**

**Per J. Sudhakar Reddy, AM :-**

This appeal filed by the assessee is directed against the order of the Learned Commissioner of Income Tax (Appeals) – 17, Kolkata, (hereinafter the “ld.CIT(A)”), passed u/s. 250 of the Income Tax Act, 1961 (the ‘Act’), dt. 26/07/2019 for the Assessment Year 2012-13.

2. We have heard rival contentions. On careful consideration of the facts and circumstances of the case, perusal of the papers on record, orders of the authorities below as well as case law cited, we hold as follows:-

3. The ld. CIT(A) at para 4 of his order, has held as follows:-

*“I have gone through the assessment order and the submissions of the appellant. I find that there is no difference in the ledger account of M/s. Dakalia Brothers in the books of the appellant and the ledger account of the appellant as appears in the books of M/s. Dakalia Brothers. As per (from last year) of Rs.2,43,03,945/- and further goods purchased during the year from M/s. Dakalia Brothers was of Rs.3,81,78,139/- and apart from that the appellant had paid Rs.6,18,76,312/- including Rs.1,53,450/- by way of interest for delayed payment. This is fully tallying with the information given to the AO by M/s Dakalia Brothers on 24/03/2015, enclosing the reconciliation statement where they have confirmed the total purchases and total payment made by them at Rs.6,16,49,969/-. It appears that the AO has not properly appreciated the facts in the light of documentary evidences submitted by the appellant. Accordingly, the addition is therefore directed to be deleted.”*

4. This factual findings of the Id. CIT(A), could not be controverted by the Id. D/R. Under these circumstances, we uphold the same and dismiss this appeal of the revenue.

***Kolkata, the 3<sup>rd</sup> day of February, 2021.***

***Sd/-***  
**[Sanjay Garg]**  
Judicial Member

***Sd/-***  
**[J. Sudhakar Reddy]**  
Accountant Member

Dated : 03.02.2021  
{SC SPS}

*Copy of the order forwarded to:*

**1. *M/s. The Calcutta Jute Manufacturing Company Pvt. Ltd***  
***24/1/1, Alipore Road***  
***3<sup>rd</sup> Floor***  
***Alipore***  
***Kolkata – 700 027***

**2. *Deputy Commissioner of Income Tax, Circle-1(2), Kolkata***

3. CIT(A)-  
4. CIT- ,  
5. CIT(DR), Kolkata Benches, Kolkata.

True copy  
By order

Assistant Registrar  
ITAT, Kolkata Benches