

आयकर अपीलीय अधिकरण “एक-सदस्य मामला” न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” 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.2353/Mum/2017
(निर्धारण वर्ष / Assessment Year: 2009-10)

Shri Ramesh H. Bhansali 105, Mukund Mansion V.P. Road, New C.P. Tank Circle Mumbai – 400 004.	बनाम/ Vs.	ITO-19(3)(1) Matru Mandir, 2 nd Floor Opp. Bhatia Hospital Mumbai – 400 007.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AEKPB-5882-K		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	Shri Vimal Sethiya, Ld. AR
Revenue by	:	Ms. Smita Verma – Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	16/03/2021
घोषणा की तारीख / Date of Pronouncement	:	16/03/2021

आदेश / O R D E R

Per Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid matter is a recalled matter vide MA No.275/Mum/2020 order dated 01/02/2021. This appeal by assessee for Assessment Year 2009-10 contest the order of Id. Commissioner of Income Tax (Appeals)-30, Mumbai [in short CIT(A)] order dated 24/02/2017, which has restricted addition on account of alleged bogus purchases to the extent of 6.5%.

2.1 We have carefully heard the arguments urged before us. The material facts are that the assessee being resident individual stated to be

engaged in trading of ferrous & non-ferrous metals was assessed for the year u/s. 143(3) r.w.s. 147 on 13/03/2015. The assessment was so framed pursuant to receipt of certain information from Sales Tax Department that the assessee procured accommodation purchase bills aggregating to Rs.204.37 Lacs from 23 entities as detailed in the assessment order. Accordingly, notice u/s 148 was issued on 28/02/2014 which was followed by statutory notices u/s. 143(2) and 142(1) calling requisite information from assessee with respect to purchases.

2.2 Though the assessee filed certain documentary evidences, however, notices issued u/s. 133(6) did not elicit satisfactory response. After considering factual matrix, Ld. AO applying the ratio of Hon'ble Gujarat High Court in **CIT vs. Simit P. Sheth [356 ITR 451]**, estimated additions against these purchases @12.5%.

3. The Ld. CIT(A), keeping in view the lower rate of VAT on metals, directed Ld. AO to restrict the addition to the extent of 6.5%. Still aggrieved, the assessee is in further appeal before us.

4. After going through factual matrix, we find that it was a fit case to make estimated additions in the hands of the assessee. The estimation of 12.5% has already been substantially reduced to 6.5% by Ld. CIT(A) which was quite fair and reasonable. Finding no reason to interfere in the impugned order, we dismiss the appeal.

5. The appeal stands dismissed.

Order pronounced in the open court on 16th March, 2021.

Sd/-

(Saktijit Dey)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 16/03/2021
Sr.PS, Jaisy Varghese

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/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकरअपीलीयअधिकरण, मुंबई / ITAT, Mumbai.**