

**आयकर अपीलीय अधिकरण “एक-सदस्य मामला” न्यायपीठ मुंबई में।**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“SMC” BENCH, MUMBAI**

**माननीय श्री शक्तिजीत 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)**

आयकरअपील सं./ I.T.A. No.5572 & 5573/Mum/2019  
(निर्धारण वर्ष / Assessment Years: 2010-11 & 2011-12)

<b>ITO-Ward-1(1),Thane</b> Room No.23, B-Wing, 6 <sup>th</sup> Floor Ashar IT Park, Wagle Indl. Estate Road No.16Z, Thane – 400 604	<b>बनाम/</b> Vs.	<b>M/s. Nexgen Plastic &amp; Metal Components</b> 41, Avanti Vihar CHS, Aptewadi Shirgaon, Badlapur(E) Mumbai – 421 503.
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>AAFFN-9384-F</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

<b>Assessee by</b>	:	None
<b>Revenue by</b>	:	Ms. Smita Verma – Ld. Sr. DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	24/03/2021
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	05/04/2021

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeals by revenue for Assessment years [AY in short] 2010-11 and 2011-12 contest common order of Id. Commissioner of Income Tax (Appeals)-1, Thane [in short CIT(A) ] which has restricted the addition on account of suspicious purchases as against full addition made by Ld. AO.

2. Though none appeared for assessee, however, material on record was sufficient for disposal of the appeals. The Ld. DR pleaded for restoration of assessment framed by Ld. AO.

3.1 The material facts are that the assessee being resident firm stated to be engaged in manufacturing of plastic and metal components has been assessed, in similar manner, for both the years u/s 143(3) r.w.s. 147 on 28/08/2014. The assessment was so framed pursuant to receipt of certain information from Sales Tax Department that the assessee procured accommodation purchase bills from suspicious dealers. The assessee made purchase of Rs.2.62 Lacs from 2 parties in AY 2010-11 as detailed in the assessment order. The quantum of purchase in AY 2011-12 is Rs.3.12 Lacs.

3.2 Though the assessee filed certain documentary evidences in support of purchases, however, notices issued u/s 133(6) did not elicit any satisfactory response. Consequently, these purchases were disallowed and added back to assessee's income in both the years.

4. Upon further appeal, Ld. CIT(A) noted that the assessee produced copies of bills, bank statements and ledger extracts of the suppliers. However, the claim that the purchases were genuine could not be accepted in totality in view of the investigation carried out by sales tax authorities. Accordingly, the profit attributable to these transactions was to be brought to tax. The estimation was done at 12.5% for both the years which has given rise to revenue's appeals before us.

5. Going by the material on record and after due consideration of factual matrix, we find that the issue rightly been clinched in proper perspective by Ld. CIT(A). Since the sales were not in doubt, it was a fit case to estimate the profit element embedded in these transactions. The

estimation of 12.5% was quite fair and reasonable. Concurring with findings of Ld. CIT(A) in the impugned order, we dismiss both the appeals.

6. Both the appeals stands dismissed.

*Order pronounced on 5<sup>th</sup> April, 2021.*

**Sd/-**

**(Saktijit Dey)**

न्यायिक सदस्य / **Judicial Member**

**Sd/-**

**(Manoj Kumar Aggarwal)**

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 05/04/2021

*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.**