

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

**माननीय श्री महावीर सिंह, उपाध्यक्ष एवं**  
**माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।**  
**BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND**  
**HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**  
**(Hearing Through Video Conferencing Mode)**

1. आयकरअपील सं./ I.T.A. No.3794/Mum/2017  
(निर्धारण वर्ष / Assessment Year: 2009-10)

<b>M/s Vega Jewellery</b> 101, Shreeji Darshan Tata Road, 1 & 2, Opera House Mumbai-400 004	<b>बनाम/</b> Vs.	<b>ITO- 19(3)(5),</b> Mumbai
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. <b>AAEFV-2026-M</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

<b>Assessee by</b>	:	Shri Bharat Shah – Ld. AR
<b>Revenue by</b>	:	Ms. Usha Gaikwad, Ld. Sr. DR

सुनवाई की तारीख/ <b>Date of Hearing</b>	:	03/08/2021
घोषणा की तारीख / <b>Date of Pronouncement</b>	:	03/08/2021

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. During hearing of the appeal, Ld. AR submitted that only issue that arises under the appeal is estimated addition on account of alleged bogus purchases. The Ld. AR, drawing attention to the facts of the cases, submitted that estimation of 3% as made by learned CIT(Appeals)—30, Mumbai in order dated 20/03/2017 is on the higher side. No other ground was urged by Ld. AR. The Ld. DR pleaded for dismissal of appeal.

2. We find that while framing an assessment u/s 143(3) r.w.s. 147 on 30/03/2015, the assessee was saddled with estimated additions of 8% on purchases of Rs.266.98 Lacs stated to be made by assessee from 4 suspicious entities of Shri Bhanwarlal Jain Group as detailed in the assessment order. Based on investigation findings, it was concluded that the assessee merely obtained bills from these entities whereas actual purchases were made from grey market. Finally, Ld. AO estimated additions of 8% to plug the leakage of revenue.

3. Upon further appeal, Ld. CIT(A), considering the factual matrix and in the background of various judicial pronouncements, restricted the additions to 3%. Still aggrieved, the assessee is in further appeal before us.

4. Upon perusal of impugned order, we find that estimation as made by Ld. CIT(A) is very fair and reasonable. The same could not be interfered considering the factual matrix of the case. We order so.

5. The appeal stands dismissed.

*Order pronounced on 03<sup>rd</sup> August, 2021.*

**Sd/-**

**(Mahavir Singh)**

**उपाध्यक्ष / Vice President**

**Sd/-**

**(Manoj Kumar Aggarwal)**

**लेखा सदस्य / Accountant Member**

मुंबई Mumbai; दिनांक Dated : 03/08/2021  
Sr.PS, Dhananjay

**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.