

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

माननीय श्री छल्ला नागेन्द्र प्रसाद, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON’BLE SHRI C.N. PRASAD, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM
(Hearing Through Video Conferencing Mode)

1. आयकरअपील सं./ I.T.A. No. 1005/Mum/2020
 (निर्धारण वर्ष / Assessment Year: 2009-10)

M/s Roshan Metal Industries 2 nd floor, 2/4, Pushpa Sadan 2 nd Carpenter Street, Mumbai-400 004	बनाम/ Vs.	ITO-16(3)(4), Matru Mandir, Tardeo Road, Mumbai-400 007
स्थायीलेखासं ./जीआइआरसं ./PAN/GIR No. AAJFR-3446-A		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

Assessee by	:	None
Revenue by	:	Ms. Smita Varma– Ld. Sr. DR

सुनवाई की तारीख/ Date of Hearing	:	02/09/2021
घोषणा की तारीख / Date of Pronouncement	:	02/09/2021

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for AY 2009-10 arises out of the order of Ld. Commissioner of Income Tax (Appeals)-7 Mumbai [CIT(A)] dated 23/12/2018 in the matter of assessment framed by Ld. Assessing Officer (AO) u/s 143(3) r.w.s. 147 on 12/08/2014. The sole subject matter of appeal is estimation of addition on account of alleged bogus purchases.

2. At the time of hearing, none appeared for assessee. However, the material on record was sufficient for disposal of the appeal. The Ld. DR

pleaded for dismissal of appeal. The assessee being resident firm is stated to be engaged in trading of metals.

3. The case was reopened pursuant to receipt of certain information from Sales Tax Department, Maharashtra on the basis of which it was alleged that the assessee made suspicious purchases of Rs.58.29 Lacs from 13 entities as detailed in para 5.1 of the order. Notices issued u/s 133(6) to these suppliers did not elicit any satisfactory response. The assessee furnished copies of purchase invoices, bank statements evidencing payment through banking channels, stock register, quantitative details etc. However, not convinced, relying upon the decision of Hon'ble Gujarat High Court in **CIT V/s Simit P. Sheth (356 ITR 451)**, Ld. AO estimated addition of 12.5% and added the same to the income of the assessee.

4. During appellate proceedings, the assessee did not appear before Ld. CIT(A). After going through findings of Ld. AO in the impugned order, Ld. CIT(A) concurred that the estimation was quite fair and reasonable. Still aggrieved, the assessee is in further appeal before us.

5. After going through the orders of lower authorities, we find that Ld. AO has passed well reasoned and speaking order in the light of assessee's submissions as well as documentary evidences. In the absence of any new material before us, we see no reason to deviate from the orders of lower authorities and therefore, dismiss the appeal.

6. The appeal stands dismissed.

Order pronounced on 02nd September, 2021.

Sd/-

(C. N. Prasad)

न्यायिक सदस्य / **Judicial Member**

Sd/-

(Manoj Kumar Aggarwal)

लेखा सदस्य / **Accountant Member**

मुंबई Mumbai; दिनांक Dated : 02/09/2021
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.