

IN THE INCOME TAX APPELLATE TRIBUNAL "C"
(Virtual Court Hearing) BENCH KOLKATA

Before Shri Sanjay Garg, Judicial Member and Shri Rajesh Kumar, Accountant Member

I.T.A. No.1772/Kol/2018
Assessment Year: 2012-13

Uniworth Limited.....Appellant
4B, Rawdon Chambers,
11A, Sarojini Naidu Sarani,
Kolkata-700017.
[PAN: AAACW2805Q]

vs.

DCIT, Circle-11(2), Kolkata.....Respondent

Appearances by:

None appeared on behalf of the appellant.

Shri Biswanath Das, Addl. CIT-DR, appeared on behalf of the Respondent.

Date of concluding the hearing : January 03, 2022

Date of pronouncing the order : February 03, 2022

Hearing through Video Conferencing

ORDER

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 21.05.2018 of the Commissioner of Income Tax (Appeals)-4, Kolkata [hereinafter referred to as 'CIT(A)'] passed u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act').

2. No one has put in appearance despite notice on behalf of the assessee. Therefore, we proceed to decide the appeal of the assessee on merits after hearing the Ld. DR.

3. The assessee in this appeal has taken the following grounds of appeal:

"1. FOR that on the facts and in the circumstances of the case, the Ld. CIT(A) was not justified in upholding the disallowance of Rs.2,76,37,683/- out of the total disallowance of Rs.3,00,29,021/- in respect of brokerage and commission. He was wrong in observing that these are not ascertained liability. The disallowance made by the Ld. A.O and confirmed by the Ld. CIT(A) is wrong, unjustified and misconceived."

4. The brief facts of the case are that during the assessment proceedings the Assessing Officer noted that the assessee had booked a total expenditure of

Rs.3,00,29,021/- under different heads. Since the assessee did not furnish any explanation regarding the veracity of the expenditure, therefore, the Assessing Officer made the addition of Rs.3,00,29,021/- on account of unexplained expenditure.

5. During the appellate proceedings, the assessee submitted that out of total expenditure of Rs.3,00,29,021/-, an amount of Rs.23,91,338/- being commission on DTA sales has already been paid and TDS deducted thereof. However, the assessee could not furnish any details regarding the payment of Rs.2,76,37,683/-. Even the assessee could not prove that the aforesaid expenditure was booked on account of any ascertained liability. The Ld. CIT(A) therefore directed the Assessing Officer to verify the contention of the assessee as to whether the payment of Rs.23,91,338/- has been made and if the claimed is found correct and the same may be allowed. However, the Ld. CIT(A) confirmed the addition of the remaining claim of expenditure of Rs.2,76,37,683/- on the ground that the assessee neither could furnish evidences of the payment nor could explain the expenditure booked for ascertained liability.

6. Before us, neither anyone has appeared nor any explanation has been filed with regard to the genuineness of the expenditure of Rs.2,76,37,683/-. We therefore do not find any infirmity in the order of the Ld. CIT(A). The appeal of the assessee is accordingly dismissed.

7. In the result, the appeal of the assessee is dismissed.

Kolkata, the 3rd February, 2022.

Sd/-
[Rajesh Kumar]
Accountant Member

Sd/-
[Sanjay Garg]
Judicial Member

Dated: 03.02.2022.

RS

Copy of the order forwarded to:

1. Uniworth Limited
2. DCIT, Circle-11(2), Kolkata
3. CIT(A)-

4. CIT- ,
5. CIT(DR),

//True copy//

By order

Sr.PS/D.D.O, Kolkata Benches