

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
INDORE BENCH, INDORE**

*(Convened through Virtual Court)*

**BEFORE SHRI MAHAVIR PRASAD, JUDICIAL MEMEBR  
& SHRI MANISH BORAD, ACCOUNTANT MEMBER**

आयकर अपील सं./I.T.A. No. 156/Ind/2020

(निर्धारण वर्ष / Assessment Year : 2012-13)

<b>Deputy Commissioner of Income Tax (Central) – 2</b> Room No.110, Aayakar Bhawan, Hoshangabad Road, Bhopal, Madhya Pradesh - 462011	<b>बनाम/ Vs.</b>	<b>Shri Prakash Wadhvani</b> 155, Ridge Road, Idgah Hills, Bhopal, Madhya Pradesh - 462030
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No. : AMZPS5905R		
(अपीलार्थी /Appellant)	..	(प्रत्यर्थी / Respondent)

अपीलार्थी ओर से/Appellant by :	Shri Amit Soni, Sr. D.R.
प्रत्यर्थी की ओर से / Respondent by :	Shri Harsh Vijaywargiya, A.R.

सुनवाई की तारीख / Date of Hearing	23/11/2021
घोषणा की तारीख /Date of Pronouncement	31 /01/2022

**ORDER**

**PER MAHAVIR PRASAD, JM:**

The appeal has been preferred by the Revenue against the order of the Commissioner of Income Tax (Appeals)-3, Bhopal ('CIT(A)' in short) vide Appeal No. CIT(A)-3/BPL/IT-175/2014-15, dated 21.01.2020 arising out of assessment order dated 14.02.2014 passed by the Assessing Officer

(AO) under s. 143(3) of the Income Tax Act, 1961 (the Act) concerning AY 2013-14.

2. The ground of appeal raised by Revenue reads as under:

- “1. *On the facts and circumstances of the cases, the Ld. CIT(A) erred in deleting the addition of Rs. 4,88,700/- made by the assessing officer on account of unexplained foreign expenditure.*
2. *On the facts and circumstances of the cases, the Ld. CIT(A) erred in deleting the addition of Rs. 24,74,071/- made by the assessing officer u/s 68 of the Income tax Act,1961 on account of bogus sundry creditors.*
3. *On the facts and circumstances of the cases, the Ld. CIT(A) erred in deleting the addition of Rs. 8,05,189/- made by the assessing officer on account of lower rate of profit adopted by the assessee.*
4. *On the facts and circumstances of the cases, the Ld. CIT(A) erred in deleting the addition of Rs. 1,49,52,549/- made by the assessing officer u/s 68 of the Income Tax Act, 1961 on account of unexplained capital.”*

3. The facts of the case are that a search action u/s 132 of the Act was conducted at various premises of the concerns / business associates of Sagar Group on 20.10.2011. The assessee is an individual and having income from business of civil contractor and house property. During the course of search at office premises at E-2/134, Arera colony, Bhopal various documents belonging to the assessee were found and seized as per annexure LPS-3 pages 42 to 120, 142-180 and LPS-A-1/11-21 and 23 of the panchnama dated 22.10.2011. Regular return of income was filed on 30.09.2012 declaring total income of Rs. 19,86,030/on 15.10.2013. During the course of assessment proceedings, various additions to the income of the assessee were made. The details of additions made by the AO are as under: -

<i>Income shown in the return</i>		<i>Rs.</i>	<i>19,36,030/-</i>
<i>Add:</i>	<i>On account of foreign trip as discussed in para no 9.4</i>	<i>Rs.</i>	<i>4,88,700/-</i>
	<i>On account of bogus sundry creditor as discussed in para no 10.5</i>	<i>Rs.</i>	<i>24,74,071/-</i>
	<i>On account of net profit as discussed in para no 11.6</i>	<i>Rs.</i>	<i>8,05,189/-</i>
	<i>On account of opening capital of Rs. 1,36,21,911/- and addition in capital account of Rs. 13,30,6387-as discussed in para 12.4</i>	<i>Rs.</i>	<i>1,49,52,549/-</i>
	<i>Total income assessed</i>	<i>Rs.</i>	<i>2,06,56,539/-</i>

4. Thereafter, the assessee preferred first statutory appeal before the learned CIT(A) who partly allowed the appeal of the assessee.

5. Now, the Revenue has preferred appeal before us.

6. We have gone through the impugned order and detailed paper book filed by the assessee and heard both the parties. In this case, certain details were filed by the assessee in support of his contention and learned CIT(A) sought remand report on each and every addition made by the learned AO and a detailed paper book containing pages 413 have been filed. A certificate issued by the counsel certifying that all the details were before the AO and CIT(A). Learned DR could not point out any specific ambiguity in the order of the learned CIT(A). After examining the paper

book and going through the CIT(A)'s order, we do not find any infirmity in the order passed by the learned CIT(A). Therefore, we are not inclined to interfere with the order passed by the learned CIT(A).

7. In the result, the appeal filed by the Revenue is dismissed.

**This Order pronounced in Open Court on 31/01/2022**

Sd/-  
(MANISH BORAD)  
ACCOUNTANT MEMBER  
Ahmedabad: Dated 31/01/2022

Sd/-  
(MAHAVIR PRASAD)  
JUDICIAL MEMBER

*S.K.SINHA*

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /  
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

Assistant Registrar,  
I.T.A.T., Indore