

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'SMC' NEW DLEHI**

**BEFORE SHRI C.M. GARG, JUDICIAL MEMBER**

**ITA No. 3546/Del/2019  
Assessment Year: 2010-11**

AAC India Pvt. Ltd.,  
M-114, Malviya Nagar,  
Saket, New Delhi  
**PAN : AAACA7805N**  
(Appellant)

vs.

Income-tax Officer,  
Ward 1(1), New Delhi.

(Respondent)

Appellant by : Sh. Salil, A.R.

Respondent by: Sh. Om Prakash, Sr. DR

Date of hearing: 02.05.2022

Date of order : 05.05.2022

**ORDER**

This appeal filed by the assessee is directed against the order dated 14.02.2019 passed by Id. CIT(A)-32, New Delhi for the assessment year 2010-11 on the following grounds :

*"1. That, on facts and circumstances of the case the Ld.CIT(A) has erred in making an addition of Rs. 2,37,048/-.*

*2. That, the learned CIT(A) in upholding the addition has erred in ignoring the fact that, the assessee has filed complete Balance Sheet together with Profit & Loss account thereby providing details of expenses incurred.*

*3. That, on facts and circumstances of the case the learned CIT(A) has erred in upholding the order of the*

*assessing officer and applying gross profit@8% of the turnover and thus upholding addition of Rs. 2,37,048/-.*

*4. That, the order was passed by the Ld. CIT(A) without giving proper opportunity of being heard.”*

2. The Assessing Officer was right in estimating profit @ 8% of the turnover, hence, action of the Assessing Officer and first appellate order is confirmed. However, I also observe that the Assessing Officer has made addition to the returned income of assessee Rs.91,480/- and addition of net profit has been added to this amount. When the Assessing Officer is estimating profit @ 8%, the returned income from the same business cannot be added over and above the estimated net profit @ 8%. Therefore, Rs.91,480/- is directed to be deleted in the taxable income of the assessee.

3. In the result, the appeal is partly allowed.

Order pronounced in the open court on 05/05/2022

Sd/-

**(C.M. GARG)**  
**JUDICIAL MEMBER**

Dated: 05/05/2022

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