

**INCOME TAX APPELLATE TRIBUNAL
MUMBAI 'E' BENCH, MUMBAI**

**[Coram: Pramod Kumar (Vice President)
and Pavan Kumar Gadale (Judicial Member)]**

ITA No.7508/Mum/2016
Assessment Year: 2012-13

**Income Tax Officer-3(3)(2)
Mumbai**

..... **Appellant**

Vs.

M/s. Sanskruti Developers Pvt. Ltd.
*Raheja Chambers, Office No. 317, 3rd Floor,
Free Press Journal Marg, Nariman Point Mumbai 400021
[PAN: AABCS4085R]*

.....**Respondent**

Appearances:

Chandan Sharma *for the appellant*
Satya Pinisetty *for the respondent*

Date of concluding the hearing : January 28, 2022
Date of pronouncement the order : April 26, 2022

O R D E R

Per Pramod Kumar, VP:

1. When this appeal originally came up for hearing before a division bench, there was a difference of opinion between the Members then constituting the division bench. The following point of difference was thus referred for the opinion of a Third Member.

2. *Whether in the facts and circumstances of the case and in law learned CIT(A) is right in deleting the addition of Rs. 7.85 crores made by the Assessing Officer u/s. 41(1)/28(iv) of the I.T Act 1961.*

2. Learned Third Member has decided this point in favour of the assessee and thus concurred with the learned Judicial Member on the original division bench. That was effectively the only issue raised in this revenue's appeal. In accordance with the majority view, therefore, the appeal filed by the Assessing Officer is dismissed.

3. In the result, appeal is dismissed. Pronounced in the open court today on the 26th day of April 2022.

Sd/-
Pavan Kumar Gadale
(Judicial Member)

Sd/-
Pramod Kumar
(Vice President)

Mumbai, dated the 26th day of April 2022.

Copies to:

(1)	<i>The Appellant</i>	(2)	<i>The respondent</i>
(3)	<i>CIT</i>	(4)	<i>CIT(A)</i>
(5)	<i>DR</i>	(6)	<i>Guard File</i>

By order

*Assistant Registrar/Sr.PS
Income Tax Appellate Tribunal
Mumbai benches, Mumbai*