

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
DELHI BENCH: 'F' NEW DELHI**

**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER  
AND  
PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

ITA No.1121/Del/2018  
Assessment Year: 2014-15

Virender Mohan Chopra, 517, Udyog Vihar, Phase-V, Gurgaon, Haryana PIN: 1220 16 Pin: 110001	<b>Vs.</b>	ITO, Ward 4(5), Gurgaon.
<b>PAN :AADPC9035E</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant by	N o n e
Respondent by	Shri Shayam Manohar Singh, Sr. DR

Date of hearing	05.05.2022
Date of pronouncement	19.05.2022

**ORDER**

**PER SAKTIJIT DEY, JUDICIAL MEMBER:**

This is an appeal by the assessee against order dated 16.11.2017 of learned Commissioner of Income-Tax(Appeals)-1, New Delhi for the assessment year 2014-15.

2. Before we proceed to decide the appeal, it is necessary to observe that for the first time, the appeal was fixed for hearing on 01.09.2021. However, since the assessee was absent on that date, the appeal was adjourned to 28.10.2021. Thereafter, the appeal was fixed for hearing on 27<sup>th</sup> December 2021 and 24<sup>th</sup> February 2022, however, on none of these dates assessee appeared for hearing of the appeal.

3. When the appeal was called for hearing today, no one was present for the assessee to represent the matter. It is relevant to observe, the proceedings of the Bench on 28.10.2021, 27.12.2021 and 24.02.2022 have been uploaded in the official website of the Tribunal. Thus, it cannot be said that the assessee was not aware of the date of hearing of the appeal. The aforesaid factual position clearly reveals complete lack of interest of the assessee in pursuing the present appeal.

4. Considering the fact that the appeal is pending for more than four years and the assessee has been provided sufficient opportunity to represent his case, we proceed to dispose of the appeal ex parte qua the assessee after hearing the learned Departmental Representative.

5. Grounds raised by the assessee are argumentative and not in accordance with the rules. Be that as it may, as could be seen from the grounds raised, the dispute in the present appeal is confined to addition of Rs.26,69,289 on account of unexplained sundry creditors.

6. Briefly, the facts are, assessee is a registered company. For the assessment year under dispute, assessee filed its return of income on 30.11.2014 declaring income of Rs.21,58,730. In course of assessment proceedings, Assessing Officer noticed that the assessee has shown large amount of sundry creditors outstanding at the end of the year. Therefore, he called upon the assessee to call for confirmation of all the creditors above Rs.3,00,000. As observed by the Assessing Officer, assessee could file confirmation from few parties. On perusal of the confirmations, he noticed that very nominal amount of payment have been made to the creditors and most of the cheques given to the creditors have bounced and the amount remained outstanding till date. Further, to independently verify the genuineness of the creditors, Assessing Officer issued notices under Section 133(6) of the Act. However, there was no response to such notices. Thus, looking at the unverifiable nature of the creditors, their genuineness could not be established. Therefore, the Assessing Officer disallowed 20% of the outstanding sundry creditors appearing in the balance sheet. Resultantly, he added back an amount of Rs.72,48,273 to the income of the assessee. Assessee contested the aforesaid addition before learned Commissioner (Appeals). Based on the submissions made and the remand report of the Assessing Officer, learned Commissioner (Appeals) confirmed the addition to the extent of Rs.26,69,289.

7. We have considered the submissions of learned Departmental Representative and perused the material available on record.

8. Undisputedly, the Assessing Officer disallowed 20% out of the outstanding balance of the sundry creditors appearing in the balance sheet of the assessee.

9. Before learned Commissioner (Appeals), assessee had produced certain additional evidences based on which a remand report was called from the Assessing Officer. After perusing remand report and the material available on record, learned Commissioner (Appeals) has observed that all sundry creditors except one viz. Rajiv Kumar Kapil Kumar Jain were verified and found correct. Therefore, he deleted the addition in respect of those sundry creditors. As regards Rajiv Kumar Kapil Kumar Jain, learned Commissioner (Appeals) has observed that in response to summons issued under Section 131 of the Act, the concerned person did not appear. Further, field inquiry conducted by the Assessing Officer through the ward inspector revealed that the concerned person was not available in the given address. Therefore, the identity of the creditor could not be established. The aforesaid factual finding of the departmental authorities remained uncontroverted, as, the assessee has not brought any material on record to establish the genuineness of the credit standing in the name of Rajiv Kumar Kapil Kumar Jain.

10. In view of the aforesaid, we uphold the decision of learned Commissioner (Appeals).

11. In the result, appeal is dismissed.

***Order pronounced in the open court on 19<sup>th</sup> May, 2022.***

**Sd/-  
( PRADIP KUMAR KEDIA )  
ACCOUNTANT MEMBER**

**Sd/-  
(SAKTIJIT DEY)  
JUDICIAL MEMBER**

Dated: 19<sup>th</sup> May, 2022.

Mohan Lal

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi

<b>Sl. No.</b>	<b>Particulars</b>	<b>Date</b>
1.	Date of dictation (Order drafted through Dragon software):	10.05.2022
2.	Date on which the draft of order is placed before the Dictating Member:	12.05.2022
3.	Date on which the draft of order is placed before the other Member:	.05.2022
4.	Date on which the approved draft of order comes to the Sr. PS/PS:	17.05.2022
5.	Date of which the fair order is placed before the Dictating Member for pronouncement:	18.05.2022
6.	Date on which the final order received after having been signed/pronounced by the Members:	19.05.2022
7.	Date on which the final order is uploaded on the website of ITAT:	.05.2022
8.	Date on which the file goes to the Bench Clerk	.05.2022
9.	Date on which files goes to the Head Clerk:	
10.	Date on which file goes to the Assistant Registrar for signature on the order:	
11.	Date of dispatch of order:	