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

**BEFORE SH. ANIL CHATURVEDI, ACCOUNTANT MEMBER**
**AND SH. YOGESH KUMAR US, JUDICIAL MEMBER**

ITA No. 4214/Del/2018
(for Assessment Year : 2009-10)

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| ACIT<br>Central Circle -30<br>New Delhi<br><br>PAN No. AAFCS 8669 H | Vs. | Sanjivani Industries Pvt. Ltd.<br>1/8, West Patel Nagar,<br>New Delhi – 110 008 |
| **(APPELLANT)** | | **(RESPONDENT)** |

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| Assessee by | Shri P. C. Yadav, Adv. |
| Revenue by | Shri H. K. Chaudhary, CIT(DR) |

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| Date of hearing: | 11.05.2022 |
| Date of Pronouncement: | 31.05.2022 |

**ORDER**

**PER ANIL CHATURVEDI, AM :**

This appeal filed by the Revenue is directed against the order dated 22.03.2018 of the Commissioner of Income Tax (Appeals)-30, New Delhi relating to Assessment Year 2009-10.

2. Brief facts of the case as culled out from the material on record are as under:-

3. Assessee is a company who had filed its original return of income on 30.09.2009 declaring loss of Rs.30,91,011/-. The

original return filed by the assessee was initially processed u/s 143(1) of the Act on 03.11.2010 accepting the returned income. AO in the assessment order has noted that thereafter a search and seizure action u/s 132 of the Act was conducted on 09.10.2014 at various business and residential premises of Kuber Group of cases including assessee. Consequently, notice u/s 153A of the Act was issued to the assessee on 16.05.2016 and in response to which assessee filed return of income on 01.06.2016 declaring loss of Rs.30,19,674/-. Thereafter, the case was taken up for scrutiny and consequently, assessment was framed u/s 153A of the Act vide order dated 27.12.2016 and the total income was determined at Rs.2,76,80,326/-. Aggrieved by the order of AO, assessee carried the matter before CIT(A) who vide order dated 22.03.2018 in Appeal No.175/16-17/2609 allowed the appeal of the assessee. Aggrieved by the order of CIT(A), Revenue is now in appeal and has raised the following grounds:

1. *"On the facts and in the circumstances of the case, the Ld. CIT(A) has erred in holding that no additions could be made u/s 153A on the basis of statement recorded u/s 132(4) of the Act and the power of the AO to assess or reassess total income u/s 153A is restricted to the material found during search.*
2. *On the facts and in the circumstances of the case the Ld. CIT(A) has erred in relying upon the decision of Hon'ble Supreme Court in the case of CIT vs. Singhad Technical Education Society when the facts and circumstances of the instant case are different from that case.*
3. *On the facts and in the circumstances of the case, the Ld. CIT(A) has erred by ignoring the fact that the assessee during the assessment proceedings failed to produce Directors of the company that gave accommodation entries to the assessee company and thereby failed to prove the genuineness and creditworthiness of the credits received in their books of*

*account.*

4. *On the facts and in the circumstances of the case, the Ld. CIT(A) has erred by not appreciating the fact that the statement of Sh. Mulchand Malu was provided to the assessee during the post search as well as assessment proceedings. During his statement he being the promoter of the assessee company had admitted the unexplained credits in the assessee's books of account.*

5. *On the facts and in the circumstances of the case, the Ld. CIT(A) has erred by not appreciating the fact that it was humanly no, possible for the persons opera mg paper/jamakharchi companies, to be present for oral cross examination m all the cases where the magniture of the case is not less than a scam.*

6. *That the grounds of appeal are without prejudice to each other.*

7. *That the appellant craves leave to add, amend, alter or forgo any ground(s) of app either before or at the time hearing of the appeal."*

4. Before us, at the outset, Learned DR submitted that though the Revenue has raised the various grounds but the sole controversy is with respect to deleting the additions made u/s 153A of the Act.

5. Before us, Learned DR submitted that the impugned assessment order is for A.Y. 2009-10 and the search was conducted on 09.10.2014 and thus it was not a case of abated assessment. He thereafter pointed to Para 5 of the assessment order and from there he pointed that during the course of search operation u/s 132 of the Act on 09.10.2014, statement of Mr. Mul Chand Malu was recorded u/s 132(4) of the Act wherein he had offered to declare undisclosed income of Rs.100 crore of the

Kuber Group of companies and the directors under specific head of share capital/share premium/capital formation out of the total undisclosed income of Rs.150 crore. He thereafter pointed to the statement of Shri Mul Chand Malu taken on 15.12.2014 which is noted by AO at Page10 of the assessment order and from that statement, he pointed to the answer wherein he had accepted the undisclosed income on account of share capital/share premium/capital formation. He thereafter pointed to Page 11 of the assessment order wherein the AO has noted that the statement of Shri Mul Chand Malu was again recorded on oath u/s 131 of the Act on 02.01.2015 wherein he had reaffirmed his declaration of undisclosed income of Rs.100 crore on account of share application money, share premium, share capital and unsecured loans. He thereafter submitted that Shri Mul Chand Malu had accepted the disclosure of undisclosed income thrice in statement and the statements were never retracted by him.

6. Learned DR thereafter submitted that during the post-search investigation, summons were issued u/s 131 of the Act to various accommodation entry giving entities seeking the various details but no replies were received nor any one appeared on their behalf. He further submitted that summons were either returned un-served or there was no compliance. He thereafter pointed to Para 5.3 of assessment order wherein during the course of survey u/s 133A of the Act was conducted by Investigation Wing on M/s. R. S. Services Pvt. Ltd. and M/s. RAB Marketing Pvt. Ltd. at New Delhi but during the course of survey no such company was

found existing. Similarly, with respect to other companies also he submitted that the post-search enquiries revealed that the companies from whom assessee had stated to receive the loans never existed. He further submitted that to find out the source of the amount which has been credited in the books of the assessee, the details of companies which made investments in assessee company was got verified through the Inspector and the Inspector had reported that none of the companies were found to be existing at those addresses. AO therefore concluded that the companies from whom assessee is stated to have received share application money/share premium/share capital and unsecured loans did not exist at their stated place of business, all those companies were situated at a table space without any infrastructure that was required to conduct proper business. The AO therefore held that Shri Mul Chand Malu who was the promoter of Kuber Group and had admitted to the undisclosed income was corroborated by the post search enquiries made by AO where none of those companies were found existing. He submitted that the statement of Mul Chand Malu cannot be brushed aside while computing the undisclosed income. Learned DR thereafter pointed at page 90 of CIT(A)'s order. He pointed that CIT(A) has relied on the decision of Hon'ble Apex Court in the case of CIT vs. Singhad Technical Education Society. He submitted that the reliance placed on the aforesaid decision is misplaced as the issue in Singhad Technical Education Society (supra) was with respect to the provision of Section 153C and not with respect to Section 153A of the Act.

7. Learned DR thereafter submitted that while deciding the appeal in the case of Kuber Khadyan Pvt. Ltd., the group company of the assessee, the Hon'ble Tribunal had relied on the decision rendered by Hon'ble Delhi High Court in the case of CIT vs. Harjeev Aggarwal. He submitted that the facts in the case of Harjeev Aggarwal (supra) were different and therefore the ratio of the decision not applicable. He submitted that it was with respect to the chapter XIVB which refers to the Special procedure for assessment of search cases generally known as block assessment proceedings. He submitted that in the present case, the issue is not with respect to block assessment proceedings but with respect to proceeding u/s 153A of the Act and therefore the ratio of decision in the case of Harjeev Aggarwal (supra) is not applicable. He thereafter submitted that Hon'ble Madras High Court in the case of B. Kishore Kumar vs. DCIT reported in [2015] 62 taxmann.com 215 (SC) has held that when the addition of undisclosed income is made on the basis of sworn statement during search and seizure then there was no necessity to scrutinize the documents and the AO was justified in bringing to tax undisclosed income. He submitted that the assessee had filed SLP before Hon'ble Apex Court and the SLP has been dismissed and reported in [2015] 62 taxmann.com 215 (SC). He thereafter placing reliance on the decision of Hon'ble Allahabad High Court in the case of CIT vs. Raj Kumar Arora [2014] 52 taxmann.com 172 (Allahabad) submitted that Hon'ble High Court has held that the AO has power to reassess returns of assessee not only for undisclosed income, which was found during search operation

but also with regard to material that was available at time of original assessment. With respect to the reliance placed by CIT(A) on the decision of Hon'ble Delhi High Court in the case of **Kabul Chawla reported in 380 ITR 573**, he submitted that facts of the case are distinguishable as in that case no statement was recorded during search and no documentary evidence was found and the earlier assessment was completed twice. In the present case, he submitted that Mr. Mul Chand Malu who is the promoter and head of the group has admitted to undisclosed income and that Shri Mul Chand Malu cannot be considered to be third party. He therefore submitted that the ratio of decision in the case of Kabul Chawla (supra) was not applicable and CIT(A) as erred in applying the ratio in the case of Kabul Chawla (supra). He therefore submitted that order of CIT(A) be set aside.

8. Learned AR on the other hand reiterated the submissions made before lower authorities and submitted that the original return of income was filed on 30.09.2009 and return of income was processed u/s 143(1) of the Act on 03.11.2010 and no notice u/s 143(2) of the Act was issued till 30.09.2010 which was the last date by which notice u/s 143(2) of the Act could have been issued. He thereafter submitted that the search in the case of the assessee was conducted on 09.10.2014 and therefore on the date of search, no assessment was pending in the case of assessee. He thereafter submitted that identical issue arose in assessee's group company namely Kuber Khadyan Pvt. Ltd. before the Co-ordinate Bench of Tribunal. The Co-ordinate Bench of Tribunal in ITA

No.4223/Del/2018 and others, vide order dated 26.03.2021 has dismissed the appeals of the Revenue. He pointed to the relevant order of Tribunal at Page102 to 121 of the paper book. In support of his contention that the facts in the case of Kabul Khadyan (supra) and the assessee are identical, he pointed to the assessment order in the case of Kuber Khadyan which is dated 28.12.2016 and placed from Pages 1 to 16 of the paper book and the copy of CIT(A)'s order dated 22.03.2018 which is placed from page 17 to 101 of the paper book. He submitted that before CIT(A) assessee in the additional grounds had initially raised the ground that AO had made addition solely on the basis of the statement of Mul Chand Malu who is neither the director nor the employee in the assessee's entity. He submitted that on this issue, CIT(A) had called remand report from AO and after considering the AO's remand report and assessee's reply to the remand report wherein it was reiterated by the assessee that Mul Chand Malu was neither a director nor an employee and under what circumstances his statement was recorded was not known. It was further submitted that the so called surrender made by Shri Mul Chand Malu was not accepted by the assessee and therefore there was no question of honoring such surrender. He thereafter pointed to the detailed submissions made by assessee before CIT(A) as detailed from pages 72 to 85 and thereafter at Page 74 CIT(A) has given finding that the statement made by Shri Mul Chand Malu has no nexus with any seized material and at page 76 of the order, he has given a finding that Mul Chand Malu did not specify the name of the person or entities in the hands of

whom the so called disclosure was made. As far as reliance placed by Hon'ble Learned DR in the case of B. Kishore Kumar (supra) is concerned, he submitted that facts in the case is distinguishable and not applicable to the present facts. He submitted that in that case the Assessee had himself in the disclosure in the sworn statement during the search and seizure stated about his undisclosed income and in such circumstances the Hon'ble High Court has held that the disclosure of the amount made at the time of search and seizure is to be considered for the purpose of bringing tax on undisclosed income without scrutinizing the documents. In the present case, he reiterated that the addition has been made on the basis of the statement of Mul Chand Malu who is neither the promoter nor the director of the assessee. As far as the contention of Learned DR that the CIT(A) has erred in applying the ratio of the decision in the case of Harjeev Aggarwal (supra) is concerned, he submitted that in the case of Harjeev Aggarwal also the statement was recorded u/s 132(4) of the Act.

9. Learned AR thereafter pointed to the Tribunal order dated 26.03.2021 in the case of Kuber Khadyan and from that order compared the issue raised by the Revenue in both the appeal. He thus submitted that the grounds raised by Revenue in Kuber Khadyan and present appeal are identical. He thereafter pointed to the observations of the Tribunal on para 9.2 of the order onwards and submitted that the Hon'ble Tribunal after placing reliance on the decision cited therein at para 9.5 has given a

finding that statement of Mul Chand Malu u/s 132(4) of the Act cannot be considered as incriminating material unless some other corroborative incriminating material was found during the course of search from the premises of the assessee. He further pointed to the findings of Tribunal at para 9.6 and 9.7 wherein the Hon'ble Tribunal has held that the decision in the case of B. Kishore Kumar (supra) was not applicable to the facts of the present case as in the case of B. Kishore Kumar (supra), the addition was sustained on the basis of the statement recorded by the assessee himself and was not based on the statement of third party and thus the facts are distinguishable. He also placed reliance on the decision of Hon'ble Delhi High Court in the case of PCIT vs. Best Infrastructure (India) Pvt. Ltd. reported in 397 ITR 82 wherein it is held that statement recorded u/s 132(4) of the Act does not by itself constitute incriminating material. He thereafter also stated that against the decision of Tribunal in the case of Kuber Khadyan Pvt. Ltd. no appeal has been preferred by Revenue. He thereafter reiterated that the facts in the case of assessee and that of Kuber Khadyan Pvt. Ltd. are identical therefore following the decision of Hon'ble Tribunal in the case of Kuber Khadyan Pvt. Ltd., the appeal of Revenue needs to be dismissed. He thus supported the order of CIT(A).

10. We have heard the rival submissions and perused the material available on record. The issue in the present appeal is with respect to the addition made to undisclosed income. It is a fact that assessee had filed its original return of income on

30.09.2009 declaring loss of Rs. Rs.30,91,011/-. The return of income was processed u/s 143(1) of the Act on 03.11.2010 accepting the loss declared by assessee.

11. It is also an undisputed fact that no notice u/s 143(2) of the Act was issued till 30.09.2010 which was the last date by which notice u/s 143(2) of the Act could have issued for A.Y. 2009-10. A search action in the case of assessee was carried out on 09.10.2014 and on the date of search no assessment proceedings were pending in the case of assessee.

12. The Hon'ble Delhi High Court in the case of Kabul Chawla (supra) has held that completed assessments can be interfered with by the Assessing Officer while making the assessment under section 153A only on the basis of some incriminating material unearthed during the course of search or requisition of documents or undisclosed income or property discovered in the course of search which were not produced or not already disclosed or made known in the course of original assessment.

13. In the present case, we find that addition has been made on account of unexplained credit u/s 68 of the Act being share application money and premium received. The addition has been made on the basis of the statement of Shri Mul Chand Malu which was recorded u/s 132(4) of the Act. Before us, it is the case of the Revenue that Mul Chand Malu was not a third party and he was the main person and promoter, his statement was

recorded three times during the search and post search and he always admitted to the undisclosed income and the same was not been retracted by him. On the other hand it is the contention of the assessee that Mr. Mul Chand Malu was not the director and was a third party and no addition can be based on the statement of third party. On the issue of the statement of Mul Chand Malu, we find that identical issue arose in the case of group company, namely Kuber Khadyan Pvt. Ltd. and the Co-ordinate Bench of Tribunal, vide order dated 26.03.2021 has decided the issue and held that statement of Mul Chand Malu u/s 132(4) of the Act cannot be considered as incriminating unless it is corroborated by incriminating material found during the course. The relevant findings reads as under:

> *9.2 The only dispute is regarding whether there was any incriminating material found during the course of the search. According to the Learned DR statement of Sh. Mulchand Malu recorded under section 132(4) constitute incriminating material and therefore decision of the Kabul Chawla (supra) is not applicable over the facts of the assessee.*
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> *9.3 We find that Hon'ble Delhi High Court in the case of PCIT Vs Best Infrastructure Private Limited, 397 ITR 82 has held that statement under section 132(4) in the itself does not constitute incriminating material. The relevant finding of the Hon'ble High Court is reproduced as under:*
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> > *"38. Fifthly, statements recorded under Section 132 (4) of the Act of the Act do not by themselves constitute incriminating material as has been explained by this Court in Commissioner of Income Tax v. Harjeev Aggarwal (supra). Lastly, as already pointed out hereinbefore, the facts in the present case are different from the facts in Smt. Dayawanti Gupta v. CIT (supra) where the admission by the Assessees themselves on critical aspects, of failure to maintain accounts and admission that the seized documents reflected transactions of unaccounted sales and purchases, is non-*

*existent in the present case. In the said case, there was a factual finding to the effect that the Assessees were habitual offenders, indulging in clandestine operations whereas there is nothing in the present case, whatsoever, to suggest that any statement made by Mr. Anu Aggarwal or Mr. Harjeet Singh contained any such admission."*

*9.4 The relevant paragraph of the decision of the Hon'ble Hon'ble Delhi High Court in the case of Harjeev Agrawal (supra) also reproduced as under:*

*"20. In our view, a plain reading of Section 158BB(1) of the Act does not contemplate computing of undisclosed income solely on the basis of a statement recorded during the search. The words "evidence found as a result of search" would not take within its sweep statements recorded during search and seizure operations. However, the statements recorded would certainly constitute information and if such information is relatable to the evidence or material found during search, the same could certainly be used in evidence in any proceedings under the Act as expressly mandated by virtue of the explanation to Section 132(4) of the Act. However, such statements on a standalone basis without reference to any other material discovered during search and seizure operations would not empower the AO to make a block assessment merely because any admission was made by the Assessee during search operation.*

*21. A plain reading of Section 132 (4) of the Act indicates that the authorized officer is empowered to examine on oath any person who is found in possession or control of any books of accounts, documents, money, bullion, jewellery or any other valuable article or thing. The explanation to Section 132 (4), which was inserted by the Direct Tax Laws (Amendment) Act, 1987 w.e.f. 1st April, 1989, further clarifies that a person may be examined not only in respect of the books of accounts or other documents found as a result of search but also in respect of all matters relevant for the purposes of any investigation connected with any proceeding under the Act. However, as stated earlier, a statement on oath can only be recorded of a person who is found in possession of books of accounts, documents, assets, etc. Plainly, the intention of the Parliament is to*

*permit such examination only where the books of accounts, documents and assets possessed by a person are relevant for the purposes of the investigation being undertaken. Now, if the provisions of Section 132(4) of the Act are read in the context of Section 158BB(1) read with Section 158B(b) of the Act, it is at once clear that a statement recorded under Section 132(4) of the Act can be used in evidence for making a block assessment only if the said statement is made in the context of other evidence or material discovered during the search. A statement of a person, which is not relatable to any incriminating document or material found during search and seizure operation cannot, by itself, trigger a block assessment. The undisclosed income of an Assessee has to be computed on the basis of evidence and material found during search. The statement recorded under Section 132(4) of the Act may also be used for making the assessment, but only to the extent it is relatable to the incriminating evidence/material unearthed or found during search. In other words, there must be a nexus between the statement recorded and the evidence/material found during search in order to for an assessment to be based on the statement recorded.*

*22. In CIT v. Sri Ramdas Motor Transport Ltd.: (1999) 238 ITR 177 (AP), a Division Bench of Andhra Pradesh High Court, reading the provision of Section 132(4) of the Act in the context of discovering undisclosed income, explained that in cases where no unaccounted documents or incriminating material is found, the powers under Section 132(4) of the Act cannot be invoked. The relevant passage from the aforesaid judgment is quoted below:*

> *"A plain reading of sub-section (4) shows that the authorised officer during the course of raid is empowered to examine any person if he is found to be in possession or control of any undisclosed books of account, documents, money or other valuable articles or things, elicit information from such person with regard to such account books or money which are in his possession and can record a statement to that effect. Under this provision, such statements can be used in evidence in any subsequent proceeding initiated against such per son under the Act. Thus, the*

*question of examining any person by the authorised officer arises only when he found such person to be in possession of any undisclosed money or books of account. But, in this case, it is admitted by the Revenue that on the dates of search, the Department was not able to find any unaccounted money, unaccounted bullion nor any other valuable articles or things, nor any unaccounted documents nor any such incriminating material either from the premises of the company or from the residential houses of the managing director and other directors. In such a case, when the managing director or any other persons were found to be not in possession of any incriminating material, the question of examining them by the authorised officer during the course of search and recording any statement from them by invoking the powers under section 132(4) of the Act, does not arise. Therefore, the statement of the managing director of the assessee, recorded patently under section 132(4) of the Act, does not have any evidentiary value. This provision embedded in sub- section (4) is obviously based on the well established rule of evidence that mere confessional statement without there being any documentary proof shall not be used in evidence against the person who made such statement. The finding of the Tribunal was based on the above well settled principle."*

*23. It is also necessary to mention that the aforesaid interpretation of Section 132(4) of the Act must be read with the explanation to Section 132(4) of the Act which expressly provides that the scope of examination under Section 132(4) of the Act is not limited only to the books of accounts or other assets or material found during the search. However, in the context of Section 158BB(1) of the Act which expressly restricts the computation of undisclosed income to the evidence found during search, the statement recorded under Section 132(4) of the Act can form a basis for a block assessment only if such statement relates to any incriminating evidence of undisclosed income unearthed during search and cannot be the sole basis for making a block assessment.*

*24. If the Revenue's contention that the block assessment can be framed only on the basis of a statement recorded under Section 132(4) is accepted, it would result in ignoring an important check on the power of the AO and would expose assessees to arbitrary assessments based only on the statements, which we are conscious are sometimes extracted by exerting undue influence or by coercion. Sometimes statements are recorded by officers in circumstances which can most charitably be described as oppressive and in most such cases, are subsequently retracted. Therefore, it is necessary to ensure that such statements, which are retracted subsequently, do not form the sole basis for computing undisclosed income of an assessee.*

*25. In Commissioner of Income Tax v. Naresh Kumar Aggarwal: (2014) 3699 ITR 171 (T & AP), a Division Bench of Telangana and Andhra Pradesh High Court held that a statement recorded under Section 132(4) of the Act which is retracted cannot constitute a basis for an order under Section 158BC of the Act. The relevant extract from the said judgement is quoted below:*

> *"17. The circumstances under which a statement is recorded from an assessee, in the course of search and seizure, are not difficult to imagine. He is virtually put under pressure and is denied of access to external advice or opportunity to think independently. A battalion of officers, who hardly feel any limits on their power, pounce upon the assessee, as though he is a hardcore criminal. The nature of steps, taken during the course of search are sometimes frightening. Locks are broken, seats of sofas are mercilessly cut and opened. Every possible item is forcibly dissected. Even the pillows are not spared and their acts are backed by the powers of an investigating officer under section 94 of the Code of Criminal Procedure by operation of sub-section (13) of section 132 of the Act. The objective may be genuine, and the exercise may be legal. However, the freedom of a citizen that transcends, even the Constitution cannot be treated as non- existent."*

> *"18. It is not without reason that Parliament insisted that the recording of statement must be in relation to the seized and recovered material, which is in the form of documents, cash, gold, etc. It is, obviously to know the source thereof, on the spot. Beyond that, it is not a limited licence, to an authority, to script the financial obituary of an assessee."*
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> *"19. At the cost of repetition, we observe that if the statement made during the course of search remains the same, it can constitute the basis for proceeding further under the Act even if there is no other material. If, on the other hand, the statement is retracted, the Assessing Officer has to establish his own case. The statement that too, which is retracted from the assessee cannot constitute the basis for an order under section 158BC of the Act."*

*9.5 In view of the above finding of the Hon'ble Delhi High Court statement of Sh. Mulchand Malu under section 132(4) of the Act alone cannot be considered as incriminating material unless any corroborating incriminating material is found during the course of the search from the premises of the assessee."*

14. As far as the reliance of Learned DR in the case of B. Kishore Kumar (supra) is concerned, we find that the Co-ordinate Bench of Tribunal while deciding the issue in the case of Kuber Khadyan has also at para 9.6 and 9.7 of the order observed that the ratio of the decision in the case of B. Kishore Kumar (supra) is not applicable as in that case the addition was sustained on the basis of statement recorded by assessee himself and was not based on the statement of third party. Further the Co-ordinate Bench of Tribunal placing reliance on the decision of Kabul Chawla (supra) has upheld the order of CIT(A) and dismissed the appeal of Revenue. Before us, Revenue has not placed any

material on record to demonstrate that the decision rendered by Co-ordinate Bench in the case of Kabul Khadyan has been set aside/stayed/overruled by Higher Judicial Forum nor has pointed to any distinguishing feature in the facts of the present case as compared to that of Kuber Khadyan. Considering the totality of the aforesaid facts, we find no reason to interfere with the order of CIT(A) and **thus the grounds of Revenue are dismissed.**

**15. In the result, appeal of the Revenue is dismissed.**

**Order pronounced in the open court on 31.05.2022**

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| **Sd/-** | **Sd/-** |
| **(YOGESH KUMAR US)** | **(ANIL CHATURVEDI)** |
| **JUDICIAL MEMBER** | **ACCOUNTANT MEMBER** |

Date:- 31.05.2022
PY*

**Copy forwarded to:**

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI