

IN THE INCOME TAX APPELLATE TRIBUNAL "C"
BENCH KOLKATA

Before Shri Sanjay Garg, Judicial Member and Shri Rajesh Kumar, Accountant Member

I.T.A. No.29 /Kol/2021
Assessment Year: 2016-17

ACIT, Circle-29, Kolkata.....Appellant

vs.

Shri Tarun Chakraborty.....Respondent

Tower-1, Flat-30B, South City,

Kolkata-700068.

[PAN: ACXPC2627A]

Appearances by:

Shri R.S. Ghosal and V.N. Dutta, Advocate, appeared on behalf of the appellant.

Smt. Ranu Biswas, Addl. CIT-DR, appeared on behalf of the Respondent.

Date of concluding the hearing :August 23, 2022

Date of pronouncing the order : September 07, 2022

ORDER

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the Revenue against the order dated 11.03.2020 of the Commissioner of Income Tax (Appeals)-7, Kolkata [hereinafter referred to as 'CIT(A)'] passed u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act') respectively. The Revenue in this appeal has taken the following grounds of appeal:

"1. That in law and on the facts of the case, the CIT(A) erred in deleting the addition of Rs.3,95,44,648/- made by the A.O without considering the findings of the A.O that the addition was made in the scrutiny assessment. The A/R of the assessee failed to offer any satisfactory evidences/documents during the scrutiny proceedings to prove the claim of the assessee. The Ld. CIT(A)-7, Kolkata did not call for remand report in which is contravention of Rule-46A.

2. That the petitioner craves leave to add, amend, alter vary and or withdraw any or all the above grounds of appeal."

2. The brief facts of the case are that the Assessing Officer during the assessment proceedings noted that there was difference of business receipts to the assessee from M/s Lafarge India Pvt. Ltd. as shown in 26AS as compared to the receipts shown by the

assessee as P & L A/c in respect of its proprietorship concern 'M/s Chakraborty Enterprise'. On being asked to explain in this respect, the assessee explained that the total amount received/receivable from the said concern namely Lafarge India Pvt. Ltd. during the year was Rs.16,51,78,876/-, out of which opening balance was of Rs.2,22,06,784/- and the total amount received during the year was at Rs.14,29,72,092/-. However, the Assessing Officer held that though the total receipt from the Lafarge India Pvt. Ltd. was Rs.16,51,78,876/- whereas he had disclosed the gross receipt from the said concern amounting to Rs.12,55,72,989/- in the trading account for the year ending on 31.03.2016. He, therefore, held that the assessee has suppressed the gross receipts to the extent of Rs.3,96,05,887/-. He accordingly added the said amount into total income of the assessee as undisclosed receipts.

3. Before the Id. CIT(A), the assessee explained that all the amount received/receivable from the said concern M/s Lafarge India Pvt. Ltd. has been taken into consideration. The assessee, in this respect, explained the total receipts as under:

Total amount received	Rs.16,51,78,876.00
Less: Opening balance	<u>Rs.2,22,06,784.00</u>
Transaction during the year	Rs.14,29,72,092.00
Less: Service Tax	<u>Rs.1,73,37,864.00</u>
Turnover	Rs.12,56,34,228.00
Gross receipt as per audited accounts is	<u>Rs.12,55,72,989.00</u>
Difference	Rs.61,239.00

4. The Id. CIT(A) noted that the total amount received, as compared to amount shown in the trading account has been reconciled by the assessee and there was a difference of Rs.61,239/- only. He accordingly sustained the addition to the extent of Rs.61,239 only. Since the assessee had duly explained by way of chart before the Assessing Officer as well as before the CIT(A), and reconciled the difference as shown in Form 26AS as compared to the trading account of the assessee, therefore, we do not find any infirmity in the order of the CIT(A) in this respect and the same is accordingly upheld.

5. In the result, the appeal of the Revenue stands dismissed.

Kolkata, the 07th September, 2022.

Sd/-
[Rajesh Kumar]
Accountant Member

Sd/-
[Sanjay Garg]
Judicial Member

Dated: 07.09.2022.

RS

Copy of the order forwarded to:

1. ACIT, Circle-29, Kolkata
2. Shri Tarun Chakraborty
3. CIT (A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches