

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
SH.KUL BHARAT, JUDICIAL MEMBER**

ITA No.1704/Del/2012
Assessment Year: 2007-08

ACIT Central Circle -5 New Delhi	Vs.	Sh. Navin Khanna 4, Shanti Farms Chandanhola, Mehrauli New Delhi PAN No.AAIPK9163A
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Jeetender Chand, Sr. DR.
Respondent by	Sh. Subodh Gupta, CA

Date of hearing:	07/09/2022
Date of Pronouncement:	07/09/2022

ORDER

PER N. K. BILLAIYA, AM:

This appeal filed by the revenue is preferred against the order of the CIT(A)-XXXI, New Delhi dated 31.01.2012 for A.Y. 2007-08.

2. The grievance of the revenue read as under :-

1. The Order of the CIT (A) is not correct in law and on facts.
2. On the facts and in the circumstances of the case, the Id. CIT (A) has erred in law as well as in facts in deleting the addition of Rs. 6425026/- made by the Assessing Officer on account of unexplained investment under section 69 of Income Tax Act, 1961 in respect of unexplained gift as the assessee failed to prove the credit worthiness of the donor.
3. The order of Id. CIT(A) is perverse in law and on facts.
4. The appellant craves leave to add, amend any/all the grounds of appeal before or during the course of hearing of the appeal.

3. A perusal of the aforementioned ground show that the tax effect in the quarrel is less than Rs. 50 lakhs, therefore, this appeal has to be dismissed in the light of the CBDT Circular No. 17/2019 dated 08.08.2019.

4. This appeal is, accordingly, dismissed with liberty to the revenue to approach the Tribunal as per the provisions of law, should it feel that the tax effect is more than Rs. 50 lakhs.

5. In the result, the appeal filed by the revenue is dismissed.

6. The order is pronounced in the open court on 07.09.2022.

Sd/-
(KUL BHARAT)
JUDICIAL MEMBER

Sd/-
(N. K. BILLAIYA)
ACCOUNTANT MEMBER

*NEHA, Sr. Private Secretary

Date:- .09.2022

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

ASSISTANT REGISTRAR
 ITAT NEW DELHI

Date of dictation	07.09.2022
Date on which the typed draft is placed before the dictating Member	07.09.2022
Date on which the typed draft is placed before the Other member	07.09.2022
Date on which the approved draft comes to the Sr.PS/PS	07.09.2022
Date on which the fair order is placed before the Dictating Member for Pronouncement	07.09.2022
Date on which the fair order comes back to the Sr. PS/ PS	07.09.2022
Date on which the final order is uploaded on the website of ITAT	07.09.2022
Date on which the file goes to the Bench Clerk	07.09.2022
Date on which file goes to the Head Clerk.	
The date on which file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	