

**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.208 to 211/Del/2021  
Assessment Years: 2011-12 to 2014-15

<b>Madhur Buildcom Pvt. Ltd. 325, Vardhman Grand Plaza, Manglam Place, Sector-03, Rohini, New Delhi PAN No.AAFCM9969G</b>	<b>Vs</b>	<b>ACIT Central Circle – 26 New Delhi</b>
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>

<b>Appellant</b>	Sh. Ramesh Goyal, CA Sh. Lakshya Goyal, Advocate
<b>Respondent</b>	Ms. Sarita Kumari, CIT DR

Date of hearing:	17/10/2022
Date of Pronouncement:	17/10/2022

**ORDER**

**PER N.K. BILLAIYA, AM:**

ITA No. 208, 209, 210 and 211/Del/2021 are appeals by the assessee preferred against a consolidated order of the CIT(A)-29, New Delhi dated 05.02.2020 by which the CIT(A) disposed the appeals of the assessee for A.Y.2011-12, 2012-13,2013-14 and 2014-15.

2. All these appeals were heard together and are disposed of by this common order for the sake of convenience and brevity.

3. At the very outset the Counsel for the assessee stated that this Tribunal vide order dated 18.01.2022 in a bunch of appeals pertaining to M/s. Kaksh Impex Pvt. Ltd., M/s. Paksh Marketing Pvt. Ltd., M/s. Vrindavan Infra Developers Pvt. Ltd., and M/s. Madhur Buildcom Pvt. Ltd. have disposed of the bunch of appeals having identical issues and identical underlying facts in the issues.

4. The Counsel pointed out that ITA No.212/Del/2021 in that bunch of appeals pertained to the assessee Madhur Buildcom Private Limited for A.Y.2016-17 and the consolidated order of the CIT(A) in the present appeal has also considered A.Y. 2016-17.

5. Though the DR strongly supported the findings of the CIT(A) and read para 4.3 on page 44 of the order to butteress her submission but could not bring any distinguishing decision in favour of the revenue.

6. We have given a thoughtful consideration to the orders of the authorities below. The CIT(A) while deciding the appeal of the assessee held as under :-

**4.3. Ground no. 5 to 9** are pertaining to assessment of 2% commission income on accommodation entries provided to various companies of Sanjay Bhandari Group. As already discussed in para 4.1 to 4.1.1. above, the appellant company was found to be a shell entity not carrying out any genuine business. The AO had examined the bank accounts for appellant company and noticed that the credits received in bank accounts were transferred immediately to beneficiaries. The AO has also identified certain beneficiaries of accommodation entries such as Sh. Sanjay Bhandari and his group companies i.e. M/s. Avāana Software & Services Pvt. Ltd., M/s. Santech IT Services Pvt Ltd., M/s. Santech Investments Pvt Ltd., M/s. OIS Aerospace Pvt Ltd., M/s. OIS Advanced Technology Pvt Ltd.,

M/s. Micromet ATI India Pvt Ltd., M/s. Offest India Solutions Pvt Ltd., M/s. Himalayan Helicorp Pvt. Ltd., M/s. S B Hospitality & Services Pvt Ltd. and M/s. Santech Energy System & Services Pvt Ltd. The addition on account of unexplained investment has been made by the AO in the hands of these beneficiaries. It is also noticed that certain blank receipts duly signed by the appellant company, a sample of which is placed in para 13 of the assessment order, were found and seized in the case of Sh. Sanjay Bhandari Group. Through these receipts, the appellant company had discharged its claim on shares/loans given to the beneficiaries namely Micromet ATI India Pvt Ltd, HB Hospitality and Services Pvt Ltd etc. These facts clearly establish that the appellant has provided only the accommodation entries of share capital/loans to the beneficiaries through its bank accounts. As a prevailing practice, commission on accommodation entries a charged by the entry provider and accordingly the AO has assessed 2% commission income on accommodation entry. Under these facts and circumstances, the decisions relied upon by the Ld. AR are not applicable in the case of appellant. Therefore, I do not find any infirmity in the order of AO assessing the commission income. Accordingly the additions made by the AO on this account in respective assessment years are confirmed and **Ground 5 to 9** are dismissed.

7. We find that this Tribunal in ITA No.212/Del/2021 for A.Y.2016-17 vide order dated 18.01.2022 had considered identical facts and held as under :-

5.2. Since the facts of the present appeal are identical to facts of the case decided by the Tribunal in the case of Amarjit Motor Finance (P) Ltd., cited (supra), therefore, respectfully following the decision of the Tribunal in the abovementioned case, we hold that the assessee company cannot be said to be a paper company or was earning income on the basis of alleged commission on accommodation entry. We, therefore, set aside the order of the Ld. CIT(A) and direct the A.O. to delete the addition. The appeal filed by the assessee is accordingly allowed.

XXXXXX

ITA No.212/Del./2021- A.Y. 2016-17

M/s. Madhur Buildcon Private Limited, Delhi.

7. After hearing both sides, we find the grounds raised by the respective assessees in the above appeals are identical to the grounds raised in ITA.No.223/Del./2021 for the A.Y. 2011-12. We have already decided the issue and the grounds raised by the assessee have been allowed. Following similar reasonings the appeals filed in the above cases are allowed.

8. In the result, the additions made in all these appeals are deleted and the appeals filed by the respective assessees are allowed.

9. To sum-up, all the appeals of the Assesseees are allowed.

8. Respectfully following the decision of the coordinate Bench we direct the AO to delete the impugned addition.

9. In the result, all the appeals filed by the assessee are allowed.

10. Decision announced in the open court on 17.10.2022.

Sd/-  
**(KUL BHARAT)**  
**JUDICIAL MEMBER**

\*NEHA, Sr. Private Secretary\*

Date:- 17.10.2022

Copy forwarded to:

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

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

ASSISTANT REGISTRAR  
 ITAT NEW DELHI

Date of dictation	17.10.2022
Date on which the typed draft is placed before the dictating Member	17.10.2022
Date on which the typed draft is placed before the Other member	17.10.2022
Date on which the approved draft comes to the Sr.PS/PS	17.10.2022
Date on which the fair order is placed before the Dictating Member for Pronouncement	17.10.2022
Date on which the fair order comes back to the Sr. PS/ PS	17.10.2022
Date on which the final order is uploaded on the website of ITAT	17.10.2022
Date on which the file goes to the Bench Clerk	17.10.2022
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	