

**THE INCOME TAX APPELLATE TRIBUNAL
DELHIBENCH 'F', NEW DELHI**

Before Dr. B. R. R. Kumar, Accountant Member

Sh. Yogesh Kumar US, Judicial Member

ITA No. 985/Del/2021 : Asstt. Year : 2014-15

M/s. P. R. Construction, Shop No. 23, Upper Story, DAV College Market, Distt-Muzaffarnagar (APPELLANT)	Vs	ACIT, Circle-2, Muzaffarnagar (RESPONDENT)
PAN No. AQNPK2265Q		

**Assessee by : Sh. Ankit Gupta, Adv.
Revenue by : Sh. Atiq Ahmed, Sr. DR**

Date of Hearing: 02.08.2022

Date of Pronouncement: 18.10.2022

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

1. The present appeal has been filed by the assessee against the order of NFAC, Delhi dated 31.07.2021.

2. The pertinent facts relevant for the adjudication of the case are as under:-

The returned income of the Assessee	- Rs. 1141330/-.
The assessed income u/s 143(3)	-Rs. 1352890/-
The assessed income u/s 143(3)/263(1)	-Rs. 2852890/-
The additions made	-Rs. 15,00,000/-

3. The additions have been made on account of loan parties namely:-

-M/s. A.K. Agarwal and sons -Rs. 10,00,000/-

-M/s. S. C. Agarwal and sons -Rs. 5,00,000/-

The assessee has filed details such as PAN, amount, mobile number, complete address, confirmation, ITR, computation of income, bank statement, copies of the query letters issued by the department, replies to the notice issued u/s 133(6) to prove identity, genuineness and creditworthiness. It was also submitted before the revenue authorities about the source of the cash that has been received as repayment from various people namely Gaurav Goyal, Richa Agarwal, Ajay Kumar Agarwal. The Assessee has also paid 12% interest in the year under consideration as well as in the subsequent year after duly deducting the TDS. The addition has been solely made on the basis of low returned income disregarding the sufficiency of the sources and its genuineness. The Id CIT(A) held that the bank statements of the loan parties were not furnished by the appellant and at the same time held that, on analysis of the bank accounts of Shir S.C. Agarwal and Sons showed credit of Rs. 52,61,000/- which is not in consonance with the returned income of the lender whereas the amount received by the Assessee from SC Agarwal was only Rs. 5,00,000/-. The total credit in the lenders account for more than the amount received by the Assessee cannot be a reason to construe the loan as bogus/ ungenuine. Having gone through the entire evidences submitted by the Assessee as mentioned above at the beginning of this para, in the absence of any contra findings brought by the Revenue, we hold that no addition on account of the loans received by the Assessee is called for.

Order Pronounced in the Open Court on 18/10/2022.

Sd/-

(Yogesh Kumar US)
Judicial Member

Dated: 18/10/2022

Ajay Kumar Keot, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

- 3. CIT
- 4. CIT(Appeals)
- 5. DR: ITAT

ASSISTANT REGISTRAR