

आयकर अपीलीय अधिकरण, पीठ "A-SMC" , कोलकाता
**IN THE INCOME TAX APPELLATE TRIBUNAL
BENCH "A-SMC" KOLKATA**

समक्ष : श्री मनीष बोरड, लेखा सदस्य
Before: Shri Manish Borad, Accountant Member

आयकर अपील सं.य/
ITA No.283/Kol/2022
Assessment Year: 2011-12

Satyendra Food Products P.Ltd. C/o Subash Agarwal & Associates, Advocates Siddha Gibson 1 Gibson Lane, Suite 213, 2 nd Fl., Kolkata-69	<u>बनाम</u> V/s.	ACIT, Cir-11(2), Kolkata Aaykar Bhawan, P-7 Chowringhee Square, Kolkata-69.
PAN: AALCS0524R		
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent
अपीलार्थी की ओर से/By Appellant		ShriSiddarthAgarwal, Advocate, Ld.AR
प्रत्यर्थी की ओर से/By Respondent		Shri Biswanath Das Ld.CIT/DR
सुनवाई की तारीख/Date of Hearing		22-08-2022
घोषणा की तारीख/ Date of Pronouncement		31 -10-2022

आदेश /O R D E R

This appeal of the assessee for the assessment year 2011-12 is directed against the order dt. 23-03-2022 by the Id. Commissioner of Income-tax, Appeals [in short, hereafter referred to as 'the 'Id. CIT(A), National Faceless Appeal Centre (NFAC). Delhi.

2. The assessee has raised the following grounds of appeal for the AY 2011-12:-

1. For that on the facts and in the circumstances of the case, the Ld.CIT(A) grossly erred in confirming the addition of Rs. 27,00,000/- made by the AO on account of unexplained cash credit.
2. For that the Id. CIT(A) failed to appreciate that the assessee had received Rs. 27 lakhs from the bank account standing in the name of M/s. Snowbird Vinimay Pvt. Ltd which is the erstwhile name of the assessee company and the source of funds in the bank account was properly explained with evidence.
3. The appellant craves leave to add further grounds of appeal and for adduce additional evidence at the time of hearing of the case.

3. Brief facts of the case are that the assessee is a private limited company. Notice u/s. 148 of the Act dt. 30-03-2018 duly served and in reply the assessee filed its return of income for the AY 2011-12 on 07.04.2018 declaring income at Rs. 1,08,253/-. Further, after validly serving of notices u/s. 143(2) and 1542(1) of the Act, the Id. AO noticed that the assessee company has received Rs. 27 lakhs from M/s. Snow Bird Vinimay P.Ltd. Though it was claimed that both the assessee company and M/s. Snow Bird Vinimay P.Ltd are same having common corporate identification number (CIN) and only it has changed name, but the Id. AO was not satisfied and made addition of Rs. 27 lakhs and assessed income at Rs. 28, 08,253/-.

4. Aggrieved, the assessee preferred appeal before the Id. CIT(A) challenging the impugned addition, but no relief was granted.

5. Aggrieved, now the assessee is in appeal before this Tribunal.

6. The Ld. Counsel for the assessee referring to the submissions made before the lower authorities and paper book containing 24 pages stated that originally M/s. Snow Bird Vinimay Private Limited was incorporated on 01-05-2007. Its name was changed to M/s. Satyendra Food Products Pvt. Ltd on 12-10-2010. The bank accounts were held in

the name of both the companies namely M/s. Snow Bird Vinimay Private Limited and M/s. Satyendra Food Products Pvt. Ltd and funds received in the bank account of M/s. Snow Bird Vinimay Private Limited on account of repayment of loans given in earlier year was subsequently transferred to the bank account held in the name of M/s. Satyendra Food Products Pvt. Ltd and, therefore, addition u/s. 68 of the Act is uncalled for.

7. The Ld. Departmental Representative supported the orders of both the lower authorities.

8. I have heard the rival contentions and perused the material placed before me. The addition made u/s. 68 of the Act at Rs. 27 lakhs is in challenge before me. From perusal of the records I notice that the assessee company having its present name as M/s. Satyendra Food Products Pvt. Ltd was originally incorporated in the name of M/s. SnowBird Vinimay Pvt. Ltd, and bank account was held in the name of M/s. SnowBird Vinimay Pvt. Ltd. There were certain loans given in the past to M/s. Adhik Multitrade LLP (Rs. 25 lakhs), Mr. Chandra Sarda (Rs. 5 lakhs) and Mr. Shiv Ratan Sharma (Rs. 2 lakhs). During the year refund/repayment of loan given to these (three) persons totalling to Rs. 27 lakhs was deposited in the bank account held in the name of M/s. Snow Bird Vinimay P.Ltd and thereafter, the sum of Rs. 27 lakhs was transferred to the bank account held in the name of M/s. Satyendra Food products P.Ltd. Since the assessee has filed necessary details sufficient enough regarding the source of alleged cash credit, which was from its own bank account held in the old name of the assessee company, I fail to find any merit in the finding of the Id. CIT(A). I,

therefore, set aside the finding of the Id. CIT(A) and delete the addition (Rs. 27 lakhs) made by the AO u/s. 68 of the Act. Thus, grounds raised by the assessee are allowed.

परिणामतः निर्धारिती की अपील (ITA No. 283/Kol/2022 for the AY 2011-12) मंजूर की जाती है।

9. In the result, the appeal of the assessee is allowed.

आदेश खुले न्यायपीठ में दिनांक 31-10-2022 को उद्घोषित।
The order pronounced in the open Court on 31-10-2022

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

Dated : 31-10-2022

**PP/SPS

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1.अपीलार्थी/Appellant/:**Satyendra Food Products P.Ltd.**

C/o Subash Agarwal & Associates, Advocates
Siddha Gibson, 1 Gibson Lane, Suite 213, 2nd Fl., Kolkata-69

2. प्रत्यर्थी/Respondent/:**ACIT, Cir-11(2), Kolkata**

Aaykar Bhawan, P-7 Chowringhee Square, Kolkata-69.

3. संबंधित आयकर आयुक्त / Concerned CIT

4. आयकर आयुक्त- अपील / CIT (A)

5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण कोलकाता / DR, ITAT, Kolkata

6.गार्डफाइल/Guardfile.

By order/आदेश से, /True Copy/

Assistant Registrar
ITAT, Kolkata