

**IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, MUMBAI**

**BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER &
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER**

**ITA No.489/Mum/2020
(A.Y. 2015-16)**

Delta Iron & Steel Co. Private Limited, 205, Windfall Tower, Sahar Plaza Complex, Andheri Kurla Road, J.B. Nagar, Andheri (E) Mumbai -400059	Vs.	DCIT, Central Circle-2(4) CGO Building (Annex), Room No. 803, 8 th Floor, M.K. Road Mumbai - 400020
स्थायी लेखा सं./जीआइआर सं./PAN/GIR No: AAACD8450A		
Appellant	..	Respondent

Appellant by :	None
Respondent by :	Mahita Nair

Date of Hearing	17.10.2022
Date of Pronouncement	21.10.2022

आदेश / O R D E R

Per Amarjit Singh (AM):

The present appeal filed by the assessee is directed against the order passed by the Id.CIT(A)-48, Mumbai which in turn arises from the order passed by the A.O u/s 143(3) of the Act. The assessee has raised the following grounds before us:

- “1. The Hon’ble CIT(A) erred in confirming addition of Rs.1,25,00,000/- (Rupees One Crore Twenty Five Lakh Only) u/s 68 of the Income Tax Act, 1961 to the total returned income without enquiring into the facts and

circumstances of the case and provisions of the Income Tax Act, 1961 and rules made thereunder.

2. *The appellant craves leave to add, amend, alter and/or modify any or all of the grounds of appeal stated above on or before the date of hearing.”*

2. This case was listed for hearing for 6 times but neither anybody attended from the side of the assessee nor submitted any written submission, therefore, case of the assessee is adjudicated after taking into consideration the material on record and argument of ld. D.R.

3. The fact in brief is that return of income declaring total income of Rs.5,68,17,110/- was filed on 29.09.2015. The case was subject to scrutiny assessment and assessment u/s 143(3) of the Act was completed on 31.12.2017 determining total income at Rs.6,93,17,110/- by making addition on account of unexplained loan creditors u/s 68 of the Act of Rs.1,25,00,000/-. During the course of assessment A.O noticed that assessee has obtained unsecured loan of Rs.1.25 crores from Mr. Rajesh Shah. On the basis of information filed by the assessee. A.O noticed that assessee has submitted general information without proving the creditworthiness and genuineness of the loan transaction. The A.O observed that Mr. Rajesh Jain was having small earning to the amount of Rs.2 to 2.5 lacs which comprises salary and interest income. The A.O stated that till the passing the assessment order the source of loan advance could not be explained and it was merely stated that Shri Rajesh Shah had received the amount from Jyoti Foundation where he was a beneficiary member. The A.O stated that assessee failed to explain anything about Jyoti Foundation and the nature of transaction having with Jyoti Foundation and how Mr. Rajesh Shah was a beneficiary of the said entity. Therefore, A.O has treated the impugned loan amount of

Rs.1.25 crores received from Mr. Rajesh Shah as unexplained and same was added to the total income u/s 68 of the Act.

4. The ld. CIT(A) has sustained the addition holding that assessee has failed to provide complete bank statement of Shri Rajesh Shah for verification and same was neither filed in the assessment proceedings nor in the appellate proceedings. Therefore, ld. CIT(A) held that no evidence/documents were produced to establish the genuineness of loan.

5. During the course of appellate proceedings before us even assessee has not made any compliance to controvert the findings of the lower authorities, therefore considering the facts and findings as referred supra, we don't find any reason to interfere in the decision of ld. CIT(A),therefore, ground of appeal of the assessee stand dismissed.

6. In the result, the appeal of the assessee stand dismissed.

Order pronounced in the open court on 21.10.2022

Sd/-

(Aby T Varkey)
Judicial Member

Sd/-

(Amarjit Singh)
Accountant Member

Place: Mumbai

Date 21.10.2022

Rohit: PS

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. आयकर आयुक्त(अपील) / The CIT(A)-
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण DR, ITAT,
Mumbai
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//
आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण/ ITAT, Bench, Mumbai.