

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI “C” BENCH: NEW DELHI**

**BEFORE SHRI N.K.BILLAIYA, ACCOUNTANT MEMBER &
SHRI KUL BHARAT, JUDICIAL MEMBER**

**ITA No.2207/Del/2019
[Assessment Year : 2014-15]**

M/s. Garima Commerce Pvt.Ltd., 2 nd Floor, 19-Local Complex, Near Pushpa Bhawan, Madangir, New Delhi-110062. PAN-AADCG3328B	vs	ACIT, Central Circle-8, New Delhi
APPELLANT		RESPONDENT
Appellant by	None	
Respondent by	Ms. Neha Chaudhary, CIT DR	
Date of Hearing	17.11.2022	
Date of Pronouncement	17.11.2022	

ORDER

PER KUL BHARAT, JM :

This appeal filed by the assessee for the assessment year 2014-15 is directed against the order of Ld. CIT(A)-24, New Delhi dated 07.01.2019.

2. The assessee has raised following ground of appeal:-

1. *“That on facts and circumstances of the case and in law, the Commissioner of Income Tax (Appeals)-XXIV, New Delhi [the Ld.CIT(A)], has erred in upholding the order of the Assistant Commissioner of Income tax, Central Circle-08, New Delhi (the Ld. Assessing Officer) in upholding the addition of Rs.90,000/- made u/s 37 of the Act on account of alleged unexplained expenditure on commission.*

The appellant craves for leave to add, amend, vary, omit or substitute any of the aforesaid grounds of appeal or add any of the aforesaid ground of appeal (s) at any time before or at the time of hearing of the appeal.”

3. At the time of hearing, no one attended the proceedings on behalf of the assessee. Therefore, the appeal of the assessee is taken up for hearing in the absence of the assessee and is being disposed off on the basis of material available on record.

BRIEF FACTS OF THE CASE

4. Facts giving rise to the present appeal are that the assessee e-filed its return of income declaring total income of Rs. NIL on 30.09.2014. A search and seizure operation was carried out in the case of Priya Gold Group & its promoters on 16.12.2014. During proceedings of search and seizure action at the head office of the group M/s Surya Processed Food Pvt.Ltd. at D-1, Secotr-2, Noida, District-Gautam Budh Nagar, substantial documents were found and seized. The information contained in these documents related to M/s. Garima Commerce Pvt.Ltd. Further, the case of the assessee was centralized with Ld. Pr. CIT, Asansol vide order u/s 127(2) of the Act dated 11.01.2016. Thereafter, assessment was framed u/s 153C r.w.s. 143(3) of the Act vide order dated 30.12.2016. The Assessing Officer made addition of Rs.36,00,000/- protective and addition of Rs.9,000/- commission and assessed the income of the assessee at Rs.35,86,509/-

5. Aggrieved against this, the assessee preferred appeal before Ld.CIT(A), who after considering the submissions, partly allowed the appeal of the assessee.

6. Aggrieved against the order of Ld.CIT(A), the assessee preferred appeal before this Tribunal.

7. Ld.CIT DR supported the orders of the authorities below and submitted that Ld.CIT(A) has given a finding regarding accommodation entries and there is a practice for making payment of commission of such accommodation entries. Therefore, the finding of the authorities below needs to be sustained.

8. We have heard Ld.CIT DR and perused the material available on record. We find that Ld.CIT(A) has given a finding on this issue which is reproduced as under-

5.4. *“With regard to Ground No.3, I hold that the action of the AO in making addition on account of commission is justified as entry operator generally charges 2-3% of total entry value as commission. As the appellant company has given entry of Rs.36,00,000/- to M/s. Surya Agrotech Infrastructure Pvt. Ltd. the AO is fair enough to quantify and tax commission income @ 2.5% of Rs.36,00,000/-. As already stated, there is typographical and inadvertent error on the part of AO in computing commission income of Rs.9,000/- instead of Rs.90,000/-. Considering the above and condoning the calculation mistake of the AO, the addition on account of commission income of Rs.90,000/- is therefore confirmed. Thus, Ground No.3 of appeal is dismissed.”*

9. We find that the assessee has not rebutted this finding by placing any contrary material on record. Therefore, we do not see any reason to interfere in the finding of Ld.CIT(A), the same is hereby affirmed. Thus, ground raised by the assessee is dismissed.

10. In the result, appeal filed by assessee is dismissed.

Order pronounced in the open Court on 17th November, 2022.

Sd/-

(N.K.BILLAIYA)
ACCOUNTANT MEMBER

Sd/-

(KUL BHARAT)
JUDICIAL MEMBER

** Amit Kumar **

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI