

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI "SMC" BENCH: NEW DELHI**

BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER

**ITA No.1555/Del/2020
[Assessment Year : 2013-14]**

Mukesh Kumar Joshi, C-48/3, Lawrence Road, New Delhi-110035. PAN-AGPPJ8770Q	vs	ITO, Ward-41(4), New Delhi.
APPELLANT		RESPONDENT
Appellant by	None	
Respondent by	Ms. Maimun Alam, Sr.DR	
Date of Hearing	02.02.2023	
Date of Pronouncement	16.02.2023	

ORDER

PER KUL BHARAT, JM :

The present appeal filed by the assessee for the assessment year 2013-14 is directed against the order of Ld. CIT(A)-34, New Delhi dated 23.09.2019. The assessee has raised following grounds of appeal:-

1. *“That Ld CIT(A) is not justified in law and facts and circumstances of the case in confirming the addition of Rs. 5,09,615/- in the income of assessee without bringing any adverse material on record. That the cash withdrawal from the bank has been treated as sales which is wrong and unjustified.*
2. *That Ld CIT(A) is not justified in law and facts and circumstances of the case in partly allowing the ground of Appeal No 3.*
3. *That the Assessee has every right to make, add, delete, modify or alter any grounds of appeal at the time of hearing.”*

2. At the time of hearing, no one attended the proceedings on behalf of the assessee. It is seen from the record that no one has been attended the proceedings since 20.05.2021. Despite various opportunities of hearing provided to the assessee, no one attended the proceedings on behalf of the

assessee. On the date fixed for hearing i.e. 02.02.2023, no one attended the proceedings on behalf of the assessee. The notices sent through speed post were returned back unserved by the Postal Authority with remark "*left without intimation*" and notice dated 28.12.2022 sent through Ld. Departmental Representative ("DR") is also reported that the premises are "*locked*". The assessee has not provided any current address to the Registry. Therefore, the appeal is taken up for hearing in the absence of the assessee and is being disposed off on the basis of material available on record.

3. Facts giving rise to the present appeal are that in this case, the assessee filed return of income online, declaring income of Rs.2,18,100/- on 31.03.2014. Thereafter, the case was selected for scrutiny. The Assessing Officer ("AO") noticed that during the year under consideration, the assessee was engaged in the trading of foodgrains and commission agent in his proprietary firm under the Name of M/s. Joshi Enterprises & M/s. Jai Bholey Trading Co. It was noticed that the assessee was maintaining five bank accounts wherein he had deposited cash of Rs.96,12,771/- and Rs.7,33,672/-, totaling Rs.1,03,46,443/-. The AO noticed that during the year under consideration, the assessee had made various transactions. He found that there was total transaction related to deposits was Rs.50,49,57,811/- and total withdrawals of Rs.50,43,80,268/-. The assessee was asked to explain the same. The AO noticed that despite various opportunities, the assessee could not file P&L Account and other supporting evidences. Thereafter, the AO proceeded to make addition estimating the profit at Rs.5,09,615/- on account of consignment sale or entry transaction of Rs.24,73,056/- and interest of Rs.37,883/-. Thus, the AO assessed the income of the assessee at Rs.33,38,650/-.

4. Aggrieved against this, the assessee preferred appeal before Ld.CIT(A) who after considering the submissions, partly allowed the appeal. Thereby, he confirmed the addition to the extent of Rs.7,70,256/- in respect of consignment sale. However, he sustained other additions in respect of the estimated profit of Rs.5,09,615/- and the interest.

5. Aggrieved against the order of Ld.CIT(A), the assessee is in appeal before this Tribunal.

6. Apropos to Grounds of appeal, Ld. Sr. DR relied upon the orders of the authorities below and strongly supported the assessment order.

7. I have heard Ld. Sr. DR and perused the material available on record and gone through the orders of the authorities below. I find that Ld.CIT(A) has considered the facts and elaborately discussed the issue in the impugned order. The assessee has failed to rebut the finding of Ld.CIT(A) by placing any contrary material on record. Therefore, looking to the facts and circumstances of the present case, I do not see any reason to interfere in the findings of Ld.CIT(A), the same is hereby affirmed. Thus, grounds raised by the assessee are dismissed.

8. In the result, the appeal of the assessee is dismissed.

Order pronounced in the open Court on 16th February, 2023.

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