

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "C": NEW DELHI
BEFORE SHRI N. K. BILLAIYA , ACCOUNTANT MEMBER
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No. 6157/Del/2017
(Assessment Year: 2013-14)

Kalash Buildtech Pvt. Ltd, H. No. 52, IInd floor, Gandhi Nagar, Ghazibad, UP 201001	Vs.	ITO, Ward-14(1), New Delhi
(Appellant)		(Respondent)
PAN: AAECK0636K		

Assessee by :	None
Revenue by:	Shri Anuj Garg, Sr DR
Date of Hearing	23/03/2023
Date of pronouncement	23/03/2023

ORDER

PER ANUBHAV SHARMA, J. M.:

The appeal has been filed by the Assessee against order dated 21.07.2017 Appeal no. Del/CIT(A)-5/0297/2016-17 for assessment year 2013-14, passed by the Commissioner of Income Tax (Appeals)-5, Delhi (hereinafter referred to as the First Appellate Authority or in short 'Ld. F.A.A.') in regard to the appeal before it arising out of assessment order dated 04.03.2016 u/s 143(3) of I.T. Act, 1961 (hereinafter referred to as 'the Act') passed by ITO, Ward-14(1), Delhi (hereinafter referred as Ld. Assessing officer or in short Ld. AO).

2. The case of the assessee was called for hearing and none appeared for the assessee. The record shows that none has appeared for the assessee often on earlier occasion and on last date of hearing dated 07.02.2023 adjournment was sought by the Id counsel for the

assessee on the basis that the assessee has not provided necessary documents. Similar requests was received on 10.08.2022. No more opportunity is justifiable. Argument of Id DR were heard, who supported the findings of the Tax Authorities below.

3. It can be appreciated that primarily the grounds involved the none admission of the additional evidence and sustenance of unsecured loan not established on basis of the genuineness of the source and added u/s 68 of the Act as cash credits.

4. There is nothing on record to show that the alleged confirmation made available to the Id CIT(A) had sufficient details to establish the genuineness of the lenders which have been ignored. The Tax Authorities below have primarily proceeded on the failure of the assessee to discharge the burden to establish the genuineness of the source of lenders and in the absence of any substantial evidence to the contrary, at this stage, the findings of the Tax Authorities below cannot be interfered.

5. In the result the **appeal of the assessee is dismissed.**

Order pronounced in the open court on 23/03/2023.

-Sd/-
(N. K. BILLAIYA)
ACCOUNTANT MEMBER

-Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 23/03/2023
A K Keot

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi