

आयकर अपीलीय अधिकरण 'ए' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH, CHENNAI

माननीय श्री वी. दुर्गा राव, न्यायिक सदस्य एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष।
BEFORE HON'BLE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं./ ITA No.257/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2013-14)

Surya Oils and Extractions Pvt. Ltd. 25 Salem Main Road, Kallakurichi – 606 202.	बनाम/ Vs.	ITO Corporate Ward-6(3), Chennai.
स्थायी लेखा सं./जीआइ आर सं./PAN/GIR No. AABCS-5017-R		
(□ पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	None
प्रत्यर्थी की ओरसे/ Respondent by	:	Mrs. Jothi Lakshmi Nayak (CIT) – Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	30-03-2023
घोषणा की तारीख / Date of Pronouncement	:	30-03-2023

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2013-14 arises out of the order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 15-02-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s.143(3) of the Act on 16-03-2016. In this appeal, the assessee is aggrieved by confirmation of certain additions. The assessee being resident corporate assessee is stated to be engaged in manufacturing of edible oils. None has appeared for

assessee and accordingly, the appeal is decided with the able assistance of Ld. CIT-DR.

2. The sole grievance of the assessee is disallowance of gunny bag stitching expenses, freight outward expenses and water expenses aggregating to Rs.59.07 Lacs. In support, the assessee produced self made vouchers which were not accepted by Ld. AO. Since the payment was made in cash, Ld. AO termed the same as bogus and disallowed the same. The Ld. CIT(A) confirmed the same against which the assessee is in further appeal before us.

3. We find that the assessee is a corporate entity and bound to incur impugned expenditure during the course of its business. Merely because the payment was in cash, the expenditure could not be held to be bogus without bringing on record any evidence to support the same. The assessee produced vouchers in support of the expenditure. There is no fact based finding that there is reduction in overall profit of the assessee. Therefore, we estimate the disallowance at 10% and deleted the balance addition.

4. The appeal stand partly allowed.

Order pronounced on 30th March, 2023.

Sd/-
(V. DURGA RAO)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखक सदस्य / ACCOUNTANT MEMBER

चेन्नई / Chennai; दिनांक / Dated : 30-03-2023

EDN/-

आदेश की प्रतिलिपि ञ ग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF