

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: 'C' NEW DELHI**

**BEFORE SHRI SAKTIJIT DEY, JUDICIAL MEMBER
AND
SHRI M. BALAGANESH, ACCOUNTANT MEMBER**

ITA No.1986/Del/2013
Assessment Year: 2003-04

With

ITA No.452/Del/2014
Assessment Year: 2004-05

M/s. Ganpati Sugar Ltd., D-143, Defence Colony, New Delhi	Vs.	Income Tax Officer, Ward- 12(1), New Delhi
PAN :AAACG4670K		
(Appellant)		(Respondent)

And

ITA No.1987/Del/2013
Assessment Year: 2003-04

M/s. Ganpati Breweries Ltd., D-143, Defence Colony, New Delhi	Vs.	Income Tax Officer, Ward- 12(1), New Delhi
PAN :AABCG3123C		
(Appellant)		(Respondent)

Assessee by	None
Department by	Sh. Anuj Garg, Sr. DR

Date of hearing	01.05.2023
Date of pronouncement	11.05.2023

ORDER

PER SAKTIJIT DEY, JM:

Captioned appeals by two different assesseees arise out of separate orders of learned Commissioner of Income Tax (Appeals) for the assessment years 2003-04 and 2004-05.

2. When the appeals were called out, none appeared on behalf of the assessee to represent the case. Even, there is no application from assessee's side seeking adjournment. On perusal of record, it is noticed, though, the appeals were listed for hearing on innumerable occasions earlier, however, the assessee mostly remained absent. Due to repeated absence of the assessee, the Bench was compelled to decide the appeals *ex parte* by dismissing them earlier. However, while considering the miscellaneous applications filed by the assessee, the Tribunal recalled the *ex parte* order for re-adjudication of the appeals. Despite that, there is no improvement in situation, as the assessee has failed to appear on each and every date fixed for hearing of the appeal. These facts reveal complete lack of concern and negligent approach of the assessee in prosecuting the present appeals. Since, sufficient opportunity of hearing has been extended to the assessee, which they have failed to avail, we are of the view that no further opportunity of being heard is required to be granted to the assessee, as, the assessee does not deserve any further leniency. Accordingly, we proceed to dispose of the appeals *ex parte* qua the assessee after hearing learned departmental representative and based on materials available on record.

3. From the grounds raised in the appeals, it is observed that common issue arising in all the appeals relates to additions made on account of accommodation entries availed by way of share capital and alleged commission paid thereon. On going through the respective orders of the Assessing Officer and learned first appellate authority, it is observed, as per the investigation carried out by the Director of Investigation, New Delhi, it was found that the assesseees have availed accommodation entries to legitimize their own unaccounted money. To give a colour of genuineness to the accommodation entries availed, the assesseees have pleaded before the departmental authorities that the amounts in dispute are received as share capital. However, neither before the Assessing officer, nor before the first appellate authority, the assesseees were able to furnish any evidence worth its name to establish the source and genuineness of the share capital introduced in the books. The Assessing Officer has specifically observed, the assessee failed to furnish various documentary evidences called for in respect of share applicants. Since, the assessee has not appeared before us or filed any documentary evidences to controvert the concurrent factual findings of the departmental authorities on the genuineness of the share

application money received, we find no reason to interfere with the decision of the departmental authorities. Once the share application money is treated as non-genuine, it has to be assumed that the assessee must have availed accommodation entries by paying commission. Hence, the addition made on account of unexplained share application money and commission paid thereon deserves to be upheld. Accordingly, we do so. Grounds are dismissed.

3. In the result, all the appeals are dismissed.

Order pronounced in the open court on 11th May, 2023

Sd/-
(M. BALAGANESH)
ACCOUNTANT MEMBER

Sd/-
(SAKTIJIT DEY)
JUDICIAL MEMBER

Dated: 11th May, 2023.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi