

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'B': NEW DELHI)**

**BEFORE SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

**ITA No:- 2735/Del/2018
Assessment Year: 2014-15**

Shri Deepak Khurana, D-325, Sector 47, Noida, Uttar Pradesh.	Vs.	Assistant Commissioner of Income Tax, Central Circle 6, New Delhi.
PAN No: AAAPK0471B		
APPELLANT		RESPONDENT

Assessee by : None
Revenue by : Shri T James Singson, CIT(DR)

Date of Hearing : 06.09.2023
Date of Pronouncement : 14.09.2023

ORDER

PER ANUBHAV SHARMA, JM

This appeal has been preferred by the Assessee against the order dated 31.01.2018 of CIT(A)-24, New Delhi (hereinafter referred as Ld. First Appellate Authority or in short Ld. 'FAA') in Appeal No. 38/16-17 arising out of an appeal before it against the order dated 29.02.2016 passed u/s 143(3) of the Income Tax Act, 1961 (hereinafter referred as 'the Act') by the ACIT, Central Circle-06, New Delhi (hereinafter referred as the Ld. AO).

2. Heard and perused the record.

3. None has appeared by the Assessee, as the case was called and the record shows that the matter has been listed for hearing since 24.02.2021 on 11 occasions and the notice issued has been received back with the remark "left". Accordingly, arguments of Ld. DR were heard and he supported the findings of the authorities below.

4. Appreciating the matter on record, it comes up that in consequence to search and seizure operation conducted by the Department on 29.10.2013 the AO added 933 grams of Gold valued @ 2400 per gram total Rs. 22,39,392/- which assessee has claimed to be ancestral and received in at the time of marriage, and further purchased on various occasion.

4.1 Ld. CIT(A) by giving benefit to the assessee of the CBDT Instruction Number 1916 dated 11.05.1994, benefitted the assessee with following findings in Para 4.7 of the order of CIT(A).

"4.7 Looking at totality of circumstances, to my mind, it would be reasonable to assume that the appellant would be having stree dhan' in form of jewelry of approximately 500 gms for appellant's wife being married lady, 250 grams for unmarried girl, and 320.84 gms for the appellant (as per bills submitted before the AOL. The weight of the gold jewellery is more than the wad allowance. Therefore, the gold jewellery of 18308 gms (1253.92- (500+250+320.84 gms)) is treated as unexplained and corresponding addition of Rs. 4,39,392/-(183.08gms @Rs 2400 per gram) is confirmed."

5. In our considered view the Ld. CIT(A) has already benefitted the assessee on the basis of CBDT Circular giving presumption to certain quantity of gold or jewellery to be

left out of seizure at time of the time of search. There is no evidence and justification from the assessee with regard to the addition sustained.

6. Grounds raised in the appeal have no substance and the appeal is dismissed.

Order pronounced in the Open Court on 14 .09.2023

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

Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 14 /09/2023.

Pooja/-

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	06.09.23
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr. PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr. PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	