

IN THE INCOME TAX APPELLATE TRIBUNAL
CIRCUIT BENCH : VARANASI

BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER
AND
SHRI AMIT SHUKLA, JUDICIAL MEMBER

ITA No.237/VNS/2019
Assessment Year: 2014-15

M/s Aparajita Construction,
C/o Shri Bhanu Pratap Singh,
Parikhara, Tikhampur,
Ballia,
Uttar Pradesh.

Vs DCIT,
Circle-2,
Varanasi.

PAN: AAKFA5540M

(Appellant)

(Respondent)

Assessee by : Shri Arvind Shukla, Advocate
Revenue by : Shri A.K. Singh, Sr. DR

Date of Hearing : 26.09.2023
Date of Pronouncement : 27.09.2023

ORDER

PER B.R. BASKARAN, AM:

The assessee has filed this appeal challenging the order dated 16.08.2019 passed by Ld CIT(A), Varanasi and it relates to the assessment year 2014-15.

2. The assessee is a contractor and filed his return of income declaring total income at Rs.16,35,240/-. The AO rejected the books of account of the assessee and estimated the income @ 8% of gross contractual receipt. Before the ld.CIT(A), the assessee did not appear and, hence, the ld.CIT(A) dismissed the appeal of the assessee.

3. Before us, the ld. AR submitted that the ld.CIT(A) has estimated the profit of the assessee in assessment year 2012-13 and 2013-14 @ 6%. Accordingly he prayed that the income from business may be estimated @ 6% in this year also.

4. We heard the parties and perused the record. Since the ld.CIT(A) has been consistently estimating the profit at 6% of the contract receipts, we are of the view that there is merit in the above said prayer of the assessee. The Ld D.R also did not object to the said request. Accordingly, we set aside the order passed by Ld CIT(A) in this year and direct the AO to estimate the profit at the very same rate of 6% of the gross contract receipts.

5. In the result, the appeal filed by the assessee is partly allowed.

Order pronounced in the open court on 27.09.2023.

(AMIT SHUKLA)
JUDICIAL MEMBER

(B.R. BASKARAN)
ACCOUNTANT MEMBER

Dated: 27th September, 2023

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

Asstt. Registrar