

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

**BEFORE,
SHRI M. BALAGANESH, ACCOUNTANT MEMBER
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

**ITA No.4880/Del/2017
(ASSESSMENT YEAR 2015-16)**

ACIT Cntral Circle-2 New Delhi	Vs.	M/s M.V. Realtors & Amusement Pvt. Ltd. Sector-10, Metro Walk Near Rithala Metro Station Rohini, New Delhi-110 085 PAN-AAHCM 9419M
(Appellant)		(Respondent)

Assessee by	None
Department by	Sh. Subhra Jyoti Chakraborty, CIT-DR

Date of Hearing	11/10/2023
Date of Pronouncement	13/10/2023

ORDER

PER M. BALAGANESH AM:

This appeal of the Revenue arises out of the order of the Learned Commissioner of Income Tax (Appeals)-23, New Delhi, [hereinafter referred to as 'Ld. CIT(A)'] in Appeal No.396, 400 & 405/2016-17 dated 19/05/2017 against the order passed by Principal Commissioner of Income Tax, Delhi (Central)-1, New Delhi (hereinafter referred to as the 'Ld. AO') u/s 143(3) of the

Income Tax Act (hereinafter referred to as 'the Act') on 30/12/2016 for the Assessment Year 2015-16.

2. The Revenue has raised the following grounds of appeal:-

"1. The order of Ld. CIT(A) is not correct in law and on facts.

2. On the facts and circumstances of the case, the Ld. CIT(A) has erred in deleting the addition of Rs.1,71,00,000/- made by the AO on account of receipt of unsecured loan/funds from M/s K.D. Consultancy Pvt. Ltd.

3. The appellant craves leave to add, amend any/all the ground of appeal before or during the course of hearing of the appeal."

3. None appeared on behalf of the assessee. Since sufficient opportunities have been granted to the assessee, we deem it fit to dispose of this appeal on hearing the Ld. DR and based on materials available on record.

4. The only effective issue to be decided in this appeal is as to whether the Ld. CIT(A) was justified in deleting the addition of Rs.1,71,00,000/- made by the Ld. AO on account of receipt of unsecured loan from K.D. Consultancy Pvt. Ltd.

5. We have heard the Ld. DR and perused the materials available on record. We find that the Ld. AO has observed that assessee had received unsecured loan from M/s K.D. Consultancy Pvt. Ltd. amounting to Rs.1,71,00,000/- during the year under consideration

which was sought to be added as unexplained cash credit u/s 68 of the Act. Factually there was no loan received by the assessee from M/s K.D. Consultancy Pvt. Ltd. (KDCPL) during the year. In fact this loan of Rs.1,71,00,000/- was received by the assessee from M/s KDCPL during the AY 2013-14 as follows:-

Date	Amounts
08/03/2023 -	Rs.10,00,000/-
11/03/2023 -	Rs.84,00,000/-
14/03/2013 -	Rs.77,34,000/-
Total	Rs.171,34,000/-

This loan was actually refunded by the assessee during the year under consideration to M/s KDCPC as under:

Date	Amount
14/06/2014 -	Rs.1,40,00,000/-
28/06/2014 -	Rs.31,33,000/-

These loans were repaid by regular banking channels from Kotak Mahindra Bank Account No.0111207657 of the assessee company wherein sufficient sources are available with the assessee company to make repayment of loans thereon. These facts are recorded by the Ld. CIT(A) in para 3.3.2.3 of his order which remain uncontroverted by the Revenue before us. We are unable to understand as to how this kind of appeal was even preferred by the

Ld. AO and how this kind of appeal has been approved by the ld. PCIT. In our considered opinion, the action of both the Ld. AO as well as the Ld. PCIT in the instant case by preferring an appeal in the instant case depicts complete non-application of mind and by incorrect assumption of facts. Accordingly, grounds raised by the Revenue are dismissed.

6. In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open court on 13th October, 2023.

Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

Sd/-
(M. BALAGANESH)
ACCOUNTANT MEMBER

Dated:13/10/2023

Pk/sps

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI

