

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
MS. ASTHA CHANDRA, JUDICIAL MEMBER**

ITA No.877/Del/2020
Assessment Year: 2011-12

ITO Ward- 21(1) New Delhi	Vs.	Real Tree Developers Pvt. Ltd. 570/2, GF, Firni Road, Village Mundka, Near Metro Station, New Delhi PAN NO.AAACJ2721J
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Vivek Vardhan, Sr. DR
Respondent by	Ms. Khshboo Goel, CA

Date of hearing:	08/11/2023
Date of Pronouncement:	10/11/2023

ORDER

PER N. K. BILLAIYA, AM:

This appeal by the revenue is preferred against the order of the CIT(A)-7, New Delhi dated 11.11.2019 pertaining to A.Y.2011-12.

2. The grievance of the assessee read as under :-

1. Whether the Ld. CIT(A) has erred in fact by considering the amount of Rs. 1,90,00,000/- as a short term loan which was received by the assessee from an entity which

was indulged in providing accommodation entries and managed by Shri Pradeep Kumar Jindal.

2. Whether the Ld. CIT(A) has erred in failing to appreciate the fact that during the search operation and post search investigation on the Pradeep Jindal group conducted by the Investigation Wing, of the department, the so called director Shri Laxman Singh Satyapal in the entity M/s Pawansut Holding Ltd. admitted the fact that they are directors only for the namesake. Further, it also revealed that Shri Pradeep Kumar Jindal, (entry operator) has used the bank accounts of these dummy director Shri Laxman Singh Satyapal as well.

3. Whether the Ld. CIT(A) has erred in failing to appreciate the fact that as per the bank statement of M/s Pawansut Holding Ltd., it was found that the accounts are being credited in small amounts and on the same day or next day, are being debited in favour of the beneficiaries and very nominal balance remains there in the account. All the elements, which are required for providing accommodation entry, are there in this bank account.

4. The appellant craves to amend, modify, alter, add or forego any ground(s) of appeal at any time before or during the hearing of this appeal.

3. Briefly stated the facts of the case are that during the course of the scrutiny assessment proceedings the AO noticed that the

assessee has taken loans from M/s. Pawansut Holdings Limited amounting to Rs.1.90 crores. The assessee was asked to explain the genuineness of the transaction. The assessee filed a detailed reply explaining that the amount of Rs.1.90 crores pertains to short term loan taken from the Pawansut Holdings Limited for the purpose of buying an immovable property and due to change in plans the loan amount was immediately repaid.

3. The AO did not accept the submission of the assessee and was of the opinion that the assessee has received the impugned amount from M/s. Pawansut Holdings Limited which was indulged in business of providing accommodation entries only managed and controlled by Pradeep Jindal who was actively engaged in providing accommodation entries and made addition of Rs.1.90 lacs.

4. Assessee carried the matter before the CIT(A) but reiterated its claim that the amount was borrowed for the purchase of immovable property and since the plan were changed the loan was refunded.

5. After considering the facts and the submissions the CIT(A) found that M/s. Pawansut Holdings Limited is an NBFC which had given housing loan to the assessee and the said loan was immediately returned by the assessee. On these facts the CIT(A) deleted the addition.

6. Having heard the rival submissions, we have carefully perused the orders of the authorities below. The undisputed fact is that within three days of taking the loan the assessee has

repaid it. The repayment of the loan has not been doubted by the AO, therefore, we do not find any reason why the AO has questioned the taking of loan. We do not find any error or infirmity in the findings of the CIT(A).

7. In the result, the appeal of the revenue is dismissed.

Order pronounced in the open court on 10.11.2023.

**Sd/-
(ASTHA CHANDRA)
JUDICIAL MEMBER**

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

NEHA

Date:- .11.2023

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI