

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

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

ITA No.4936/Del/2019
Assessment Year: 2015-16

SRS Healthcare & Research Centre Ltd. C/o. SRS Mall, Third Floor, Sector-12, Faridabad PAN No.AATCS0535L	Vs.	ITO Ward- II(4) Faridabad
(APPELLANT)		(RESPONDENT)

Appellant by	Dr. Rakesh Gupta, Advocate Sh. Somil Agarwal, Advcoate
Respondent by	Sh. Vivek Kumar Upadhyay, Sr DR

Date of hearing:	09/11/2023
Date of Pronouncement:	17/11/2023

ORDER

PER N. K. BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the CIT(A), Faridabad dated 26.02.2019 pertaining to A.Y.2015-16.

2. The solitary grievance of the assessee is that the CIT(A) erred in confirming the addition of Rs. 1 crore made by the AO.

3. Having heard the rival contents, we have carefully perused the orders of the authorities below.

4. Briefly stated the facts of the case are that during the course of the scrutiny assessment proceedings the AO noticed a credit of Rs.1 crore in the name of M/s. Just Relief Healthcare Pharmacy.

5. The assessee claimed to have received this amount as a security deposit from the said party for operating a pharmacy shop in the hospital run by the assessee.

6. To verify this transaction the AO issued notices to the two partners of M/s. Just Relief Pharmacy namely Amit Tayal and Ashok Aggarwal asking them to confirm the transaction and furnish bank statements. The notices are placed at pages 162 and 163 of the paper book. Both the partners confirmed the transaction and submitted the bank statement of M/s. Just Relief Healthcare Pharmacy. The confirmation and the bank statement are at pages 169 and 170 of the paper book.

7. It would be pertinent to mention here that the AO made enquiry directly from the partners of M/s. Just Relief Healthcare Pharmacy and the assessee was nowhere in the enquiry conducted by the AO. The transaction was confirmed the payment is duly reflected in the bank statement. We do not find any logic in treating the sum deposited by M/s. Just Relief Healthcare Pharmacy as unexplained in the hands of the assessee. The assessee has successfully discharge the onus cast upon it by the provision of section 68 of the Act, therefore, we direct the AO to delete the addition of Rs. 1 crore.

8. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 17.11.2023.

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

NEHA

Date:- .11.2023

Copy forwarded to:

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

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

ASSISTANT REGISTRAR
ITAT NEW DELHI