

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

**BEFORE SH. G.S.PANNU, HON'BLE VICE PRESIDENT  
AND  
SH. ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No.2529/Del/2018  
(Assessment Year : 2010-11)

ITO, Ward-21(1), New Delhi	Vs.	M/s. Rashi Wears Pvt. Ltd. D-972, New Friends Colony, New Delhi-110064 PAN : AAACR4887R
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>

Assessee by	Sh. Rahul Kampani, CA
Revenue by	Shri Vivek Vardhan, Sr. DR

Date of hearing:	19.01.2024
Date of Pronouncement:	29.01.2024

**ORDER**

**PER ANUBHAV SHARMA, JM:**

The appeal has been preferred by the Revenue against order dated 31.01.2018 in appeal no. 14/17-18/240/14-15 for assessment year 2010-11 passed by Commissioner of Income Tax (Appeals)-31, New Delhi (hereinafter referred to as the First Appellate Authority in short 'Ld. F.A.A.') in appeal against assessment order dated 01.03.2013 u/s 144 of the Income Tax Act, 1961 passed by ITO, Ward-15(3), New Delhi (hereinafter referred to as the Assessing Officer 'AO').

2. The Revenue is in appeal raising following grounds ;

“ Revised Grounds of Appeal

1. *On the facts and circumstances of the case, Ld. CIT(A) has erred in law in deleting the addition made u/s 144 of the Income Tax Act, 1961 on account of 10% of the gross export sales amounting to Rs. 7,99,20,517/- ignoring that the assessee company deliberately avoided the opportunities provided by the AO to substantiate its claims and the additions were made after recording proper satisfaction and rejecting the books of accounts u/s 145(3) of the Act by the AO.*
2. *On the facts and circumstances of the case, Ld. CIT(A) has erred in law in deleting the addition made u/s 144 of the Income Tax Act, 1961 on account of 100% of income from other sources amounting to Rs. 1,79,88,432/- ignoring that the assessee company deliberately avoided the opportunities provided by the AO to substantiate its claims and the additions were made after recording proper satisfaction and rejecting the books of accounts u/s 145(3) of the Act by the AO.*
3. *On the facts and circumstances of the case, Ld. CIT(A) has erred in law in deleting the addition made u/s 144 of the Income Tax Act, 1961 on account of 100% of interest income as per form 26AS amounting to Rs. 3,59,946/- ignoring that the assessee company deliberately avoided the opportunities provided by the AO to substantiate its claims and the additions were made after recording proper satisfaction and rejecting the books of accounts u/s 145(3) of the Act by the AO.*
4. *On the facts and circumstances of the case, Ld. CIT(A) has erred in law in deleting the addition made u/s 144 of the Income Tax Act, 1961 on account of 100% of cash receipts treated as income of other sources amounting to Rs. 30,00,000/- ignoring that the assessee company deliberately avoided the opportunities provided by the AO to substantiate its claims and the additions were made after recording proper satisfaction and rejecting the books of accounts u/s 145(3) of the Act by the AO.*

5. *On the facts and circumstances of the case, Ld. CIT (A) has erred in law in deleting the addition made u/s 144 of the Income Tax Act, 1961 on account of unexplained investment in-fixed assets amounting to Rs. 22,500/- ignoring that the assessee company deliberately avoided the opportunities provided by the AO to substantiate its claims and the additions were made after recording proper satisfaction and rejecting the books of accounts u/s 145(3) of the Act by the AO.*

6. *The appellant craves to be allowed to add and alter any fresh ground(s) of appeal and/or delete or amend any of the ground(s) of appeal.”*

3. Heard and perused the record. Ld. DR has substantiated the grounds by asserting the facts therein while Ld. AR relied the order of ld. CIT(A).

4. After giving thoughtful consideration to the matter on record, we are of the considered view that it is appropriate case to give a composite finding on the grounds as raised.

5. The facts in brief are that the case of assessee was selected for scrutiny and the AO determined the income of assessee u/s 144 of the Act. The assessee contended before Ld. CIT(A) that on various occasions, the assessee had appeared before AO and provided necessary details however, the books of accounts could not be furnished on 20.02.2013 due to Bharat Band. The Ld. CIT(A) had called for remand report which was submitted by the AO, after examining the books of accounts. Considering the same the Ld. CIT(A) observed that the assessee has been historically and successfully showing income from export sales and income from other sources such as duty draw backs etc. These sources of income were duly accepted in the earlier years and in the subsequent years also.

6. Then Ld. CIT(A) took into consideration the fact that the assessment for A.Y. 2011-12 was completed on the returned income. Ld. CIT(A) has taken into consideration the remand report and observed that apart from citing minor discrepancies the ld. AO could not point out anything material in the books of accounts, which were supported by vouchers and duly examined by ld. AO in the remand proceedings.

7. As with regard to Rs. 30 lakhs addition on the basis of 100% cash receipts treated as income from other sources the assessee had established in the remand proceedings that the same was by way of sale proceeds of the land and the copies of the sale deeds were filed before AO in remand proceedings and AO did not point anything in remand report for rebuttal.

8. In the light of aforesaid discussion we are not inclined to interfere in the findings of Ld.CIT(A) . Consequently the grounds have no substance and **the appeal of Revenue is dismissed.**

**Order pronounced in the open court on 29<sup>th</sup> January, 2024.**

Sd/-

Sd/-

**(G.S.PANNU)**  
**VICE PRESIDENT**

**(ANUBHAV SHARMA)**  
**JUDICIAL MEMBER**

Date:- 29.01.2024  
dk

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT, NEW DELHI