

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

**BEFORE SH. SAKTIJIT DEY, VICE PRESIDENT
AND
SH. N. K. BILLAIYA, ACCOUNTANT MEMBER**

ITA No.6023/Del/2018
Assessment Year: 2009-10

Manu Garg C/o Ravi Iron Ltd., 67, Navyug Market, Ghaziabad PAN No.AARPG6588N	Vs.	DCIT Circle -1 Ghaziabad
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Somil Aggarwal, Advocate Sh. Deepesh Garg, Advocate Sh. Shrey Jain, Advocate
Respondent by	Sh. Subhra Jyoti Chakraborty, CIT DR

Date of hearing:	01/02/2024
Date of Pronouncement:	01/02/2024

ORDER

PER N. K. BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the CIT(A), Ghaziabad dated 31.17.2018 pertaining to A.Y. 2009-10.

2. The substantive grievance argued before us relates to the addition of Rs.410532/- u/s. 69C of the Act.

3. While scrutinizing the return of income the AO noticed that the assessee has made payment of Rs.611668/- against credit card bills. The assessee was asked to explain the source.

4. It was explained that the assessee has made payment of Rs.201136/- only. On receiving no plausible reply for the sum of Rs.410532/-the AO made the addition of the same u/s. 69C of the Act.

5. Assessee challenged the addition before the CIT(A) and strongly contended that the said amount was paid by the company Land Craft Developers Private Limited in which the assessee is the director. The CIT(A) called for a remand report from the AO who after verification stated that though the expenses were incurred by the assessee but the payment has been made by Land Craft Developers Private Limited yet the CIT(A) confirmed the addition.

6. After giving a thoughtful consideration to the orders of the authorities below. We are of the considered view that the assessee successfully explained the source of payment of credit card bills amounting to Rs. 410532/- which is the company in which the assessee is a director, therefore, in our humble opinion provisions of section 69C are not at all applicable. The AO is directed to delete the impugned addition. The appeal is allowed on the ground argued before us.

7. Decision announced in the open court on 01.02.2024.

Sd/-
(SAKTIJIT DEY)
VICE PRESIDENT

NEHA

Date:- .02.2024

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