

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

**Before Dr. B. R. R. Kumar, Accountant Member  
Sh. Anubhav Sharma, Judicial Member**

**ITA No. 9758/Del/2019 : Asstt. Year : 2013-14**

SRS Ltd., C/o SRS Mall, 3 <sup>rd</sup> Floor, Sector-12, Garidabad, Haryana-121007	Vs	DCIT, Central Circle-II, Faridabad-121001
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>
<b>PAN No. AAGCS8846R</b>		

**Assessee by : Sh. Somil Agarwal, Adv.  
Revenue by : Sh. Javed Akhtar, CIT-DR**

**Date of Hearing: 05.02.2024**

**Date of Pronouncement: 07.02.2024**

**ORDER**

**Per Dr. B. R. R. Kumar, Accountant Member:**

The present appeal has been filed by the assessee against the order of Id. CIT(A)-3, Gurgaon dated 16.09.2019.

2. Following grounds have been raised by the assessee:

*"1) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in not admitting appeal due to alleged operation of section 249(4) and has erred in holding that assessee has not paid taxes on the returned income.*

*2) In any view of the matter and in any case action of Ld. CIT(A) in not admitting the appeal and dismiss the same is bad in law and against the facts and circumstances of the case.*

*3) That having regard to the facts and circumstances of the case, Ld. CIT(A) ought to have deleted the addition.*

*4) That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of the Ld. A.O. in making addition of Rs.3,88,87,632/- (Rs. Three Crores Eighty Eight Lacs Eighty Seven Thousands Six Hundred and Thirty Two only) on account of alleged unexplained payments, out of the amounts mentioned in pages 42 to 47 of Annexure A -1 seized from 202, New Delhi House, Barakhamba Road, New Delhi..*

5) *That in any case and in any view of the matter, action of Ld. CIT(A) in confirming the addition of Rs.3,88,87,632/- (Rs. Three Crores Eighty Eight Lacs Eighty Seven Thousands Six Hundred and Thirty Two only) made in the hands of the assessee on account of alleged unexplained payments is bad in law and against the facts of the case.*

6) *That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of the Ld. A.O. in charging interest u/s 234A, 234B, 234C & 234D, more so when such interest could not be levied under the law.*

7) *That having regard to the facts and circumstances of the case, Ld. CIT(A) has erred in law and on facts in confirming the action of Ld. AO in passing the impugned order without giving adequate opportunity of being heard and by not observing the principles of natural justice."*

3. At the outset, the Id. AR submitted that the appeal of the assessee has been admitted in the National Company Law Tribunal (NCLT) and the ITA may be dismissed at this juncture with liberty to approach the Tribunal after conclusion of the proceedings before the NCLT.

4. The Id. DR fairly accepted.

5. Hence, the appeal of the assessee is dismissed as withdrawn.

6. In the result, the appeal of the assessee is dismissed.  
Order Pronounced in the Open Court on 07/02/2024.

Sd/-

**(Anubhav Sharma)**  
**Judicial Member**

Sd/-

**(Dr. B. R. R. Kumar)**  
**Accountant Member**

**Dated: 07/02/2024**

\*Subodh Kumar, Sr. PS\*

Copy forwarded to:

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

**ASSISTANT REGISTRAR**