

**INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "A": NEW DELHI  
BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER  
AND  
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No. 1592/Del/2023  
(Assessment Year: 2012-13)

Blue Bell Finance Ltd, 564, A-1, P. No. 2/59, Bhim Gali, Vishwas Nagar, Shahdra, Delhi (Appellant) <b>PAN: AAACB1156H</b>	Vs. ITO, Ward-5(1), New Delhi  (Respondent)
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Assessee by : Shri Anmol Sinha, Adv  
Shri Nitin Gulati, Adv

Revenue by: Mrs. Sunita Verma, CIT DR

Date of Hearing 06/03/2024  
Date of pronouncement 11/03/2024

**ORDER**

**PER M. BALAGANESH, A. M.:**

1. The appeal in ITA No.1592/Del/2023 for AY 2012-13, arises out of the order of the National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'ld. CIT(A)', in short] in Appeal No. ITBA/NFAC/S/250/2022-23/1051265522(1) dated 24.03.2023 against the order of assessment passed u/s 147 r.w.s. 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') dated 30.11.2019 by the Assessing Officer, ITO, Ward-5(1), Delhi (hereinafter referred to as 'ld. AO').

2. The assessee has raised the following grounds of appeal :-

*"1. That the order passed by the Ld. CIT (A) u/s 250(6) is incorrect, bad in law and have been passed without considering the submissions of the Appellant.*

*2. That the Ld.AO has grossly erred in assuming jurisdiction to reopen the present case in absence of any reason to believe as on date of issuance of notice u/s 148 of the Act.*

3. That the order passed by the Ld. AO u/s 147 r.w.s 143(3) is incorrect, bad in law, void ab initio and have been passed without considering the submissions of the Appellant and Ld. CIT (A) has erred in upholding the finding of the Ld. AO.

4. That the notice issued by the Ld. AO u/s 148 of the Act is without any reason to believe and without proper satisfaction of the appropriate authority as required u/s 151 of the Act. The Ld. AO has concluded the reassessment proceeding u/s 147 of the Act in complete violation of law of reassessment and Ld. CIT (A) has erred in upholding the same.

5. That on the facts and circumstances of the present case as well as in law, the Ld. AO has grossly erred in making additions of Rs. 83,63,86,000/- u/s 68 of the Income Tax Act, 1961 and Ld. CIT (A) has erred in upholding the said finding of the Ld. AO.

6. That on the facts and circumstances of the case and in the law, the Ld. AO has erred in making addition without issuance of any Show Cause Notice and Ld. CIT (A) has erred in upholding the same.

7. That on the facts and circumstances of the case and in the law, the Ld. AO has erred in passing the assessment order without any DIN even after specific direction of Central Board of Direct Taxes w.e.f. 01.10.2019 and Ld. CIT (A) has erred in upholding the same.

8. That on the facts and circumstances of the present case as well as in law, the Ld. AO has erred in making addition without any and sufficient evidence to make assumption and thereafter making addition of Rs. 83,63,860/- @ 1% commission as income of the assessee and Ld. CIT (A) has erred in upholding the said finding of the Ld. AO.

9. That the Ld. AO has erred in initiating penalty proceeding u/s 271(1)(c) of the Income Tax Act, 1961 and Ld. CIT (A) has erred in upholding the same.

10. That the appellant craves leave to add, alter, amend, modify or withdraw the grounds mentioned above before or at the time of hearing of the appeal.”

3. Though, the assessee has raised several ground of appeal, we would like to take up ground No. 5 which is addition made on merits. Ground No. 5 raised by the assessee is challenging the addition made u/s 68 of the Act in the sum of Rs. 83,63,86,000/-. There was a credit in the bank account of the assessee to the tune of Rs. 83,63,86,000/- on 21.03.2012 and 22.03.2012. All these credits are sought to be added by the ld AO u/s 68 of the Act which has been confirmed by the ld CIT(A). But the ld AR of the assessee had filed the entire bank statement for the period from 01.04.2011 to 04.04.2012, wherein, it is seen that the assessee had

advanced Rs. 83,63,86,000/- to Mallard Securities Pvt. Ltd for purchase of shares. The various payments made thereon are duly debited in the bank statement of the assessee on 16.03.2012. Since the shares were not issued by the said party, the assessee got back very same sums from Mallard Securities Pvt. Ltd on 21.03.2012 and 23.03.2012 within a period of 5 to 6 days. The nature and source of credit stood clearly explained from the bank statement itself. The entire bank statements are enclosed in pages 19 to 26 of the Paper Book. In our considered opinion, the provisions of section 68 of the Act cannot be made applicable at all in the instant case as the assessee had duly explained the fact that the monies paid by it on 16.03.2012 had been received back by it. The nature and source of credit were duly explained within the meaning of section 68 of the Act and hence, the addition made u/s 68 of the Act is hereby directed to be deleted.

4. Since, the addition made u/s 68 is deleted on merits, there cannot be any addition on account of commission @1% of the said transaction. The same is also hereby directed to be deleted. Accordingly, ground Nos. 5 and 8 are allowed.

5. Since, the relief is granted to the assessee on merits, the other grounds raised by the assessee need not be adjudicated and they are left open.

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

Order pronounced in the open court on 11/03/2024.

-Sd/-  
**(ANUBHAV SHARMA)**  
**JUDICIAL MEMBER**

-Sd/-  
**(M. BALAGANESH)**  
**ACCOUNTANT MEMBER**

Dated: 11/01/2024  
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi