

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'SMC'  
BENCH MUMBAI**

**BEFORE: SHRI AMIT SHUKLA, JUDICIAL MEMBER  
&  
SHRI S RIFAUR RAHMAN, ACCOUNTANT MEMBER**

**ITA No.2953/Mum/2023  
(Assessment Year :2011-12)**

Income Tax Officer- 42(1)(4) Mumbai	Vs.	Ravindra G Chitalia A/604, Saileela Above Vijaya Bank Anand Nagar Dahisar (E) Mumbai- 400 068
<b>PAN/GIR No.AAEP4939Q</b>		
<b>(Appellant)</b>	..	<b>(Respondent)</b>

Assessee by	Shri Debiz Bhusal
Revenue by	Shri R.R. Makwana
<b>Date of Hearing</b>	<b>20/03/2024</b>
<b>Date of Pronouncement</b>	<b>20/03/2024</b>

**आदेश / O R D E R**

**PER AMIT SHUKLA (J.M):**

The aforesaid appeal has been filed by the department against order dated 16/05/2023 passed by NFAC, Delhi for the quantum of assessment passed u/s.143(3) r.w.s. 147 for the A.Y.2011-12.

2. In the grounds of appeal, the department has challenged the disallowance of 5% made by the ld. CIT(A) on bogus purchases as against disallowance @12.5% made by the ld. AO.

3. The brief facts are that assessee is a trader of various products of Iron and Steel and is regularly assessed to tax. He has filed its return of income on 29/09/2011 declaring total income of Rs.2,55,878/-. Subsequently, based on the information received from Sales Tax department that assessee was also one of the beneficiaries of some bogus bills to various parties for purchases aggregating to Rs.1,15,76,084/- The ld. AO accordingly, made an addition by applying GP rate of 15% of total amount of Rs.1,15,76,084/- on alleged bogus purchases. The ld. CIT (A) after relying upon the decision of ITAT in assessee's own case in ITA No.3468/Mum/2018 dated 06/02/2019 for A.Y.2009-10 applied GP rate of 5%.

4. Once the Tribunal in assessee's own case on similar purchases has applied GP rate of 5%, then we do not find any infirmity in the order of the ld. CIT(A) in restricting the addition to the extent of 5%. Accordingly grounds raised by revenue is dismissed.

**5. In the result, appeal of the Revenue is dismissed.**

Order pronounced on 20<sup>th</sup> March, 2024.

**Sd/-**  
**(S. RIFAUR RAHMAN)**  
**ACCOUNTANT MEMBER**

**Sd/-**  
**(AMIT SHUKLA)**  
**JUDICIAL MEMBER**

Mumbai; Dated 20/03/2024  
KARUNA, *sr.ps*

**Copy of the Order forwarded to :**

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)  
**ITAT, Mumbai**