

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

**BEFORE SHRI G.S. PANNU, VICE-PRESIDENT AND  
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No. 3498/Del/2019  
Assessment Year: 2010-11

|  |            |                               |
|--|------------|-------------------------------|
| Manak Garg (Individual),<br>F-17, West Vinod Nagar,<br>Delhi-1100 92 | <b>Vs.</b> | ITO, Ward 59(1),<br>New Delhi |
| <b>PAN: AACCN8595N</b>   |            |                               |
| <b>(Appellant)</b>   |            | <b>(Respondent)</b>           |

|               |                    |
|---------------|--------------------|
| Assessee by   | N o n e            |
| Department by | Shri Ansul, Sr. DR |

|                       |            |
|-----------------------|------------|
| Date of hearing       | 02.05.2024 |
| Date of pronouncement | 10.06.2024 |

**ORDER**

**PER ANUBHAV SHARMA: JUDICIAL MEMBER:**

Assessee has filed the appeal against the order dated 28.03.2019 under Sections 147 read with section 144 of the Income-Tax Act, 1961 (hereinafter referred "the Act" ) passed by the learned

Commissioner of Income-Tax (Appeals)-38, New Delhi in an appeal before him arising out of assessment order dated 22.12.2017 passed by the ITO, Ward-59(1), New Delhi (hereinafter referred as “the A.O. or in short “AO”) under Section 144/147 of the Act for assessment year 2009-10.

2. Heard and perused the record.
3. At the time of hearing, none appeared for and on behalf of the assessee and record shows that notices have been issued repeatedly and on 21.09.2022 and 20.12.2022, Shri Ms. S. Rohatagi, CA had appeared and sought adjournment and even a paper book stands filed on 20.12.2022. On subsequent notices, none is appearing for the assessee. No more notice is justified.
4. Learned Departmental Representative was heard who has supported the orders of the tax authorities below.
5. After considering the material before us, it comes up that on the basis of AIR information of cash deposits, proceedings under Section 147 of the Act were initiated by issuance of notices under Section 148 of the Act and as the assessee had failed to response to the queries raised, being a time barring matter, assessment was concluded under

Section 144/147 of the Act by making additions on account of cash deposits in HDFC Bank to the tune of Rs.7,22, 765 and credit entries of Rs.18,49,000 from HSL Securities qua security transactions and on Rs.21,81,258 against other receipts from HSL Securities and further an addition of Rs. 1,00,000 was made in regard to deduction under Section 80C without any evidence.

6. As we go through the grounds raised, we find that there is an averment that there was no proper service of notice under Section 149 of the Act, however, with that regard to same there is no submission or material on record. The claim of assessee is that reassessment proceedings have been initiated after four years from the end of assessment year 2010-11. As a matter of fact, as we go through the copy of reasons available at page 22 of the paper book, we find that on the basis of the fact that Income Tax Return was not filed and the proceedings were initiated. Apparently, there is no illegal exercise or jurisdiction under Sections 147/148 of the Act. Further, assessee's claim was that deposits were by way of sales from business of M/s. Aggarwal Sweets and assessee had filed a claim of debit and credit entries in HDFC Bank account with regard to transactions with HSL

Securities to claim that actually there was only net payment and there was no income earned. However, these entries were not supported by further evidences by way of bills or vouchers etc. Thus, the reasons for sustaining the additions by learned Commissioner (Appeals) require no evidences. In fact, learned Commissioner (Appeals) observes specifically inspite of giving opportunity to file additional evidences, same were not filed. There is no error in the findings of learned Commissioner (Appeals). The appeal of assessee is dismissed.

7. In the result, the appeal is dismissed.

Order pronounced in the open court on 10 /06/2024.

**Sd/-**  
**(G.S. PANNU)**  
**VICE-PRESIDENT**

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

Dated: 10<sup>th</sup> June, 2024.  
**Mohan Lal**

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi