

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC': NEW DELHI**

**BEFORE,
SHRI S.RIFAUR RAHMAN, ACCOUNTANT MEMBER
AND
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

**ITA No.2986/Del/2023
(ASSESSMENT YEAR 2017-18)**

Arpit Consultants & Associates C/o CA Anupam Sharma, 02, Victoria Garden, Victoria Park Road, Near Jail Chungi, Meerut PAN-ABGFA6125M	Vs.	National Faceless Appeal Centre (NFAC)
(Appellant)		(Respondent)

Assessee by	Shri Dinesh Kumar, CA & Shri Saurabh Panwar, CA
Respondent by	Shri Om Prakash, Sr. DR

CORRIGENDUM

We observed from the record that due to oversight facts of the other assessee was wrongly reproduced in this case and it was noticed about the error while reviewing the other order, therefore, the present corrigendum order is passed *suo moto* to rectify the above mistake. Accordingly, Para Nos. 3, 4 and 5 are to be read as under:-

“3. At the time of hearing, it is brought to our notice that the Assessing Officer has made an addition of Rs.30,00,000/- by observing that the firm was constituted on 11/04/2016 with sixteen partners and each partner contributed Rs.2,00,000/- each as capital contribution, the same was deposited in its bank account during demonetization period. On query, the assessee submitted that the source of cash deposit is only out of capital contribution. The assessee has filed copy of partnership deed dated 11/04/2016. The Assessing Officer observed that on perusal of ITR for Asst. Year 2017-18, the assessee has declared only two partners having share of 50% each. He also noticed that the partnership deed is not registered nor notarized. The three stamp papers in the partnership deed submitted was issued in different dates. Therefore, the credibility of partnership deed cannot be accepted in the light of the fact that in ITR only two partners name were mentioned and certified by one of the partners i.e., Sh. Arpit Sharma. Accordingly, he rejected the claim made by the assessee and proceeded to make the addition u/s 69A of the Act.

4. Aggrieved with the above order, the assessee preferred an appeal before NFAC, Delhi. The Ld. CIT(A) has merely reproduced the assessment order and sustained the findings of the Assessing Officer.

5. At the time of hearing, the Ld. AR submitted that the date referred by the Assessing Officer mentioned in the front side of the stamp paper, the date on which the stamp paper vendor receives the stamp paper from the stamp registry whereas the actual date of sale by the vendor is being stamped in the back side of the stamp paper. He submitted that the purchase dates mentioned in the back side of the stamp paper are exactly same as declared by the assessee. He prayed that this issue goes to the root of the matter and it may be remitted back to the Assessing Officer for proper verification. On the other hand, the Ld. DR relied on the findings of the lower authorities.”

The facts mentioned in para Nos.3,4 & 5 above to be read as such in the original order passed by us dated 17/05/2024 and other particulars and findings given in the order are to be unchanged and the present corrigendum is part of the above order.

2. This corrigendum is to be read together with order dated 17/05/2024.

Sd/-
(YOGESH KUMAR U.S.,)
JUDICIAL MEMBER

Sd/-
(S.RIFAUH RAHMAN)
ACCOUNTANT MEMBER

Dated: 21/06/2024
PK/PS

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI