

**INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "G": NEW DELHI**

**BEFORE  
SHRI G.S. PANNU, HON'BLE VICE PRESIDENT  
AND  
SHRI VIMAL KUMAR, JUDICIAL MEMBER**

ITA No. 8789/Del/2019  
Asstt. Year: 2015-16

ACIT Central Circle-14, New Delhi-110 055	Vs.	Shridhar Portfolio Management Ltd. House No. Pvt-1A, KH No. 871, Gali No.1, Block-B-1, Parvatiya Aanchal, Sant Nagar, Village Burari, New Delhi -110 084 PAN AANCS8289D
(Appellant)		(Respondent)

Assessee by:	Shri Kapil Goel, Advocate
Department by:	Ms. Sarita Kumari, CIT-DR
Date of Hearing:	20.06.2024
Date of pronouncement:	10.07.2024

**ORDER**

**PER VIMAL KUMAR, JM**

The Revenue department's appeal is against order dated 31.08.2019 of the Learned Commissioner of Income Tax (Appeals) [hereinafter referred as "Learned CIT(A)"] arising out of order dated 29.12.2017 of Asstt. Commissioner of Income Tax (hereinafter referred as "Learned AO").

2. Brief facts of the case are that a search and seizure action was carried out on AMP group and other related cases on 16.09.2015 at the various residential and business premises. Search under section 132(1) of the Act was interalia conducted at

premises of assessee at House No. PVT-1A, KH No. 871, Gali No. 1, Block-B1, Parvatiya Aanchal Nagar, village Burari, Delhi of M/s. Shridhar Portfolio Management Pvt. Ltd. on 16.09.2015 as a part of AMP Group. The case was centralized by the CIT Central – II New Delhi vide order dated 5.4.2016. Notice under section 153A of the Income Tax Act, 1961 was issued on 2.9.2016. In response the assessee had filed return of income declaring income of Rs. 14,43,320/- on 12.09.2016. The assessee furnished copy of return of income filed on 12.09.2016. Notice under section 142(1) alongwith questionnaire dated 17.2.2017 was issued to assessee. Fresh notice dated 20.7.2017 was issued to assessee. Authorised representative (AR) for assessee company appeared on 6.11.2017 and filed copies of return of income and balance sheet with its annexure. Another notice under section 142(1) along with questionnaire was issued on 13.11.2017. AR of assessee appeared on 11.12.2017 and filed submissions. A showcause letter dated 19.12.2017 was issued to assessee. AR of assessee filed reply dated 27.12.2017. During assessment proceedings with approval of Learned Joint CIT under section 153D Learned AO vide order dated 29.12.2017 made additions of Rs. 2,94,000/- and Rs. 1,52,09,131/-.

3. The assessee filed appeal before Learned CIT(A) which was partly allowed. Action of treating the transactions represented by increase in short terms borrowings/unsecured loan as accommodation entries was confirmed and additions were deleted.

4. Being aggrieved revenue department preferred present appeal.

5. Learned Authorised Representative for revenue submitted that Learned CIT(A) had erred in facts and in law in deleting the addition of Rs. 1,55,03,131/-(i.e. Rs. 2,94,000/- + Rs. 1,52,09,131/-) made by the AO on account of Commission @ 2% on protective basis (substantive additions made in the case of Shri Deepak Aggarwal).

6. Learned authorized representative for assessee submitted that against impugned order assessee's appeal No. 8865/Del/2019 has been allowed.

7. From examination of records it is crystal clear that against impugned order dated 31.08.2019 the assessee's appeal has been allowed. The approval under section 153D of the Act granted by Learned Joint CIT was held to be in a mechanical manner without due application of mind and the entire search assessment was declared illegal and bad in law. So, revenue department's appeal deserves dismissal as infructuous.

8. In the result, the Revenue department's appeal is dismissed as infructuous.

**Order pronounced in the open court on 10<sup>th</sup> July, 2024.**

**sd/-**  
**(G.S. PANNU)**  
**VICE PRESIDENT**  
Dated: 10/07/2024  
**Veena**

**sd/-**  
**(VIMAL KUMAR)**  
**JUDICIAL MEMBER**

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

ASSISTANT REGISTRAR  
ITAT, New Delhi