

आयकर अपीलीय अधिकरण, कोलकाता पीठ 'बी', कोलकाता

IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH KOLKATA

Before Shri Sanjay Garg, Judicial Member and Rajesh Kumar, Accountant Member

**I.T.A No.1205/Kol/2023
Assessment Year: 2017-18**

**M/s Balaji Distributors.....Appellant
Shed No.5, Hoboken Depot,
Off. Hide Road,
Kolkata – 700008.
[PAN: AAMFB0537H]**

vs.

ITO, Ward-25(1), Kolkata.....Respondent

Appearances by:

Shri Miraj D. Shah, AR, appeared on behalf of the appellant.

Shri P. P. Barman, Addl. CIT-Sr. DR, appeared on behalf of the Respondent.

Date of concluding the hearing : July 25, 2024

Date of pronouncing the order : August 02, 2024

आदेश / ORDER

संजय गर्ग, न्यायिक सदस्य द्वारा / Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 08.11.2023 of the National Faceless Appeal Centre [hereinafter referred to as 'CIT(A)'] passed u/s 250 of the Income Tax Act (hereinafter referred to as the 'Act').

2. The assessee in this appeal has agitated against the confirmation of addition of Rs.1,00,56,415/- made by the Assessing Officer invoking section 69A of the Act.

3. At the outset, the ld. Counsel for the assessee has invited our attention to the impugned order of the Assessing Officer to submit that the Assessing Officer has made the impugned addition observing that the

turnover of the assessee-firm was declared at Rs.13,08,97,837/-. The assessee deposited Rs.14,09,54,252/- in his bank account. Therefore, there was a difference of Rs.1,00,56,415/- between the turnover of the assessee and the amount deposited in the bank account of the assessee. The Assessing Officer treated the said difference as unexplained income of the assessee and made the impugned addition. The Id. Counsel has demonstrated from the record that the Assessing Officer has taken the wrong figure of turnover. He has invited our attention to page 4 of the paper-book to submit that in the Profit & Loss A/c, the total sales were declared at Rs.13.04 crores and further a note was given that the sales shown in the Profit & Loss A/c was exclusive of VAT collected thereon. The Id. Counsel has further invited our attention to page 53 of the paper-book to show that the total sales of the assessee inclusive of VAT were at Rs.14,56,57,937/- and the VAT collected on sales was Rs. 1,18,93,814/- . The Id. Counsel, therefore, has reconciled the figures.

4. The Id. DR could not point out any defect or infirmity in the reconciliation figure submitted by the Id. AR of the assessee.

5. In view of this, the impugned addition made by the lower authorities is not sustainable and the same is accordingly ordered to be deleted.

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

Kolkata, the 2nd August , 2024.

Sd/-
[Rajesh Kumar]
लेखा सदस्य /Accountant Member

Sd/-
[Sanjay Garg]
न्यायिक सदस्य /Judicial Member

Dated: 02.08.2024.

RS

Copy of the order forwarded to:

1. M/s Balaji Distributors
2. ITO, Ward-25(1), Kolkata
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches