



**IN THE INCOME TAX APPELLATE TRIBUNAL
LUCKNOW BENCH "A", LUCKNOW**

**BEFORE SHRI G. D. PADAMAHSHALI, ACCOUNTANT MEMBER
AND SHRI SUBHASH MALGURIA, JUDICIAL MEMBER**

ITA No.392/LKW/2020
Assessment Year: 2017-18

Mr Rajiv Agarwal 109/8, Model House Lucknow	v.	The Dy. CIT Range – 3 Lucknow
PAN:ACMPA1728M		
(Appellant)		(Respondent)

Appellant by:	None
Respondent by:	Shri Sanjeev Krishna Sharma, D.R.
Date of hearing:	26 06 2024
Date of pronouncement:	04 09 2024

ORDER

PER SUBHASH MALGURIA, J.M.:

This appeal has been filed by the assessee against the order of the Id. CIT(A)-1, Lucknow dated 24.9.2020 for the assessment year 2017-18, raising the following grounds of appeal:-

- 1. The Ld. Commissioner of Income-tax (Appeal) has erred in law and on facts in passing the order, which is unlawful, unjustified and against the principles of natural justice.*
- 2. The Ld. Commissioner of Income-tax (Appeal) has erred in law and on facts in passing the order without giving adequate opportunity of being heard.*
- 3. The Ld. Commissioner of Income-tax (Appeals) has erred in law and on facts in invoking the provisions of section 69A of Income-tax Act when the initial addition was*

made by Ld. Assessing Officer u/s 68 of Income-tax Act. The addition of Rs.4,00,000/- sustained by Ld. Commissioner of Income-tax (Appeals) is erred in law and deserves to be deleted.

4. *The Ld. Commissioner of Income-tax (Appeals) has erred in law and on facts in giving partial relief of Rs.48,15,000/- instead of Rs.52,15,000/- sought before him and sustained the addition of Rs.4,00,000/- only on the basis of suspicion, conjecture and surmise which deserves to be deleted.*
5. *The Ld. Commissioner of Income-tax (Appeals) has erred in law and on facts in passing assessment order which is contrary to the facts and law.*
6. *The appellant craves leave to add, amend, alter or withdraw any ground of appeal or raise any new ground of appeal during the pendency of appeal.*

2. The ld. counsel for the assessee moved an application dated 25.6.2024, received by the Registry of this office on 26.6.2024 seeking adjournment, submitting that, Ms Shweta Mittal, the appellant's authorized representative is out of town due to some urgent family commitment, therefore, the case be adjourned for 15 days. Having considered order sheet entries, case records, and solitary dispute in the light of settled position of law, the reasons for seeking adjournment failed to inspire any confidence to us. Accordingly, we deem it fit to reject the request and proceed to adjudicate the matter on merits after hearing the ld. D.R. and considering the material on record.

3. The brief facts of the case are that the assessee, engaged in retail and wholesale trade of iron and allied products, filed his return of income for the assessment year

under consideration on 15.10.2017 declaring a total income of Rs.15,82,334/-. Subsequently, the case was selected for scrutiny. The Assessing Officer completed the assessment under section 143(3) of the Act at a total income of Rs.1,08,07,934/- by making addition of Rs.52,15,000/- under section 68 of the Act and addition of Rs.40,10,600/- being unverifiable advances received from the customers.

4. Aggrieved, assessee preferred appeal before the ld. CIT(A), who vide his impugned order dated 24.09.2020 deleted the addition of Rs.48,15,000/- out of the total addition of Rs.52,15,000/- under section 68 of the Act and also deleted the addition of Rs.40,10,600/- being unverifiable advances received from the customers. The assessee is further aggrieved by the order of the ld. CIT(A) sustaining the addition of Rs.4,00,000/-. The only issue involved in the appeal filed by the assessee before the Tribunal is with regard to the sustenance of addition of Rs.4,00,000/-.

5. We have heard the ld. D.R. and perused the material on record. We find that the ld. CIT(A), after discussing the issue in detail and considering various case laws on the issue under dispute and the material on record, given substantial relief to the assessee. From a perusal of the order of the ld. CIT(A), it can be observed that he has dealt with the issue elaborately from page 3 to 49 of his order and passed a speaking order, giving relief of Rs.48,15,000/- out of addition of Rs.52,15,000/-, thereby sustaining the addition of Rs.4,00,000/-. We do not find any error in the order of the ld. CIT(A), who has decided the issue in a right perspective. We accordingly confirm the order

of the ld. CIT(A) and reject the grounds of appeal taken by the assessee.

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

Order pronounced in the open Court on 04/09/2024.

Sd/-
[G. D. PADAMAHSHALI]
ACCOUNTANT MEMBER

Sd/-
[SUBHASH MALGURIA]
JUDICIAL MEMBER

DATED:04/09/2024

JJ:

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. DR

By order
Assistant Registrar



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