



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

**BEFORE SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER
AND SHRI SUBHASH MALGURIA, JUDICIAL MEMBER**

ITA No.404/LKW/2020
(Assessment Year: 2017-18)

DCIT, Range-3 27/2, Raja Ram Mohan Rai Marg, P. K. Complex, Lucknow- 226001.	v.	M/s. Om Automobiles Pvt. Ltd. 702 Floor-7 Chelsia Tower, Omaze Height, Vibhuti Khand, Gomti Nagar, Lucknow-226010.
		PAN:AAACO4808M
(Appellant)		(Respondent)

Appellant by:	None		
Respondent by:	Smt. Richa Rastogi, CIT(DR)		
Date of hearing:	03	09	2024
Date of pronouncement:	19	09	2024

ORDER

PER SUBHASH MALGURIA, J.M.:

This is an appeal preferred by the revenue against the impugned orders of the Ld. CIT(A)-02, Lucknow dated 22/09/2020 for the assessment year 2017-18.

2. The only issue debate in this appeal filed by the revenue is regarding the addition of Rs.3,03,35,000/- on account of unexplained cash credit made by the assessing officer, which was partly deleted by the Ld. CIT(A).

3. None has appeared for the assessee/or on behalf of the assessee despite issuance of notice through RPAD, which notice has not returned unserved. However, finding that the matter can be decided in the absence of the assessee or on behalf of the

assessee, we have decided to dispose off of the appeal after hearing the Ld. DR and after perusing the material available on record.

4. Vide Assessment Order (“AO”) dated 29/12/2019 passed u/s 143(3) of the Income Tax Act, 1961 (hereinafter “the Act”), the assessee’s total income was determined at Rs.4,49,23,515/- (rounded off Rs.4,49,23,510/-) as against the returned income of Rs.1,15,40,310/-. The additions made in the assessment order included an amount of Rs.3,03,35,000/- on account of unexplained cash credit and an amount of Rs.40,58,360/- on account of rental receipt. Vide impugned appellate order dated 22/09/2020, the Ld. CIT(A) partly allowed the assessee’s appeal. She deleted the aforesaid addition amounting to Rs.40,58,360/-. Further instead of the aforesaid amount of Rs.3,03,35,000/-, she directed the AO to make an addition @ 15% of this amount. The present appeal before us has been filed by revenue against the aforesaid impugned appellate order dated 22/09/2020 of the Ld. CIT(A).

5. At the time of hearing before us, the Ld. CIT-DR relied on the aforesaid assessment order passed by the AO. There was no representation from the assessee’s side at the time of hearing before us.

6. We have heard the Ld. DR and perused the material available on record. We find that the Ld. CIT(A) has upheld the action of the Assessing Officer in rejecting the books of accounts, but she observed that the AO should have estimated the income of the assessee on a cogent basis. She noted that the AO had reduced the net profit percentage from out of the aforesaid amount of Rs. 3,03,35,000/- at the time of computation of assessee’s total income, implying that the aforesaid amount of Rs.3,03,35,000/- was already accounted for by the assessee. The

Ld. CIT(A) estimated the extra profit earned by the assessee @ 15% of the amount.

7. In the course of hearing before us, the Ld. CIT-DR for revenue did not bring any material for our consideration to persuade us to take a view different from the view taken by the Ld. CIT(A). No mistake or error was pointed out in the order of the Ld. CIT(A). In view of the foregoing and in the specific facts and circumstances of the present appeal before us, we have no material to interfere with the impugned appellate order dated 22/09/2020 passed by the Ld. CIT(A). Accordingly, the impugned order of the Ld. CIT(A) dated 22/09/2020 is upheld and appeal filed by the revenue is dismissed.

8. In the result, the appeal of the revenue is dismissed.

Order pronounced in the open Court on 19/09/2024.

Sd/-
[ANADEE NATH MISSHRA]
ACCOUNTANT MEMBER

Sd/-
[SUBHASH MALGURIA]
JUDICIAL MEMBER

DATED: 19/09/2024

Vijay Pal Singh, (Sr. PS)

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1. Appellant
2. Respondent
3. CIT
4. DR
5. Guard file

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By order

Assistant Registrar