



**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. 409/LKW/2020  
(Assessment Year: 2017-18)

<b>DCIT, Range-3</b> 27/2, Raja Ram Mohan Rai Marg, P. K. Complex, Lucknow- 226001.	v.	<b>M/s. Om Auto Pvt. Ltd.</b> Om Bhawan, Lucknow Road, Raebareli-229001.
		<b>PAN:AAACO5630R</b>
(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 20/09/2020 for the assessment year 2017-18.

2. In this appeal, there are two disputes i.e. first dispute is regarding the addition of Rs.2,82,30,654/- on account of unexplained cash credits, second dispute in this appeal is regarding the addition of Rs.58,97,177/- on account of daily cash summary.

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.6,13,49,979/- (rounded off of Rs.6,13,49,980/-) as against the returned income of Rs.2,78,55,330/-. The additions made in the assessment order included an amount of Rs.2,82,30,654/- on account of unexplained cash credit and an amount of Rs.58,97,177/- on account of daily cash summary. Vide impugned appellate order dated 20/09/2020, the Ld. CIT(A) partly allowed the assessee’s appeal. She deleted the aforesaid addition amounting to Rs.58,97,177/-. Further instead of the aforesaid amount of Rs.2,82,30,654/-, 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 20/09/2020 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 cogent basis. She noted that the AO had reduced the net profit percentage from out of the aforesaid amount of Rs. 2,82,30,654/- at the time of computation of assessee’s total income, implying that the aforesaid amount of Rs.2,82,30,654/- was already accounted for by the assessee. The

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

7. As regards the aforesaid addition of Rs.58,97,177/-, she accepted the re-conciliation chart submitted by the assessee. On the strength of the re-conciliation, she concluded that the addition made was not based on facts of the case and she directed the addition to be deleted.

8. 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 20/09/2020 passed by the Ld. CIT(A). Accordingly, the impugned order of the Ld. CIT(A) dated 20/09/2020 is upheld and appeal filed by the revenue is dismissed.

9. 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)

Copy forwarded to:

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

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By order

Assistant Registrar