

**IN THE INCOME TAX APPELLATE TRIBUNAL
“D” BENCH, AHMEDABAD**

**BEFORE DR. BRR KUMAR, ACCOUNTANT MEMBER &
SHRI SIDDHARTHA NAUTIYAL, JUDICIAL MEMBER**

I.T.A. No.594/Ahd/2023
(Assessment Year: 2016-17)

Deputy Commissioner of Income Tax, Central Circle-1(4), Ahmedabad	Vs.	Minal Intermediates, Plot No. 1405, GIDC, Phase-IV, Naroda, Gujarat-382330
[PAN No.AAEFM5214A]		
(Appellant)	..	(Respondent)

Appellant by :	Shri Biren Shah, A.R.
Respondent by:	Shri Waghe Prasad Rao, Sr. DR

Date of Hearing	16.10.2024
Date of Pronouncement	16.10.2024

ORDER

PER DR. BRR KUMAR - ACCOUNTANT MEMBER:

This appeal has been filed by the Revenue against the order passed by the Ld. Commissioner of Income Tax (Appeals)-11, (in short “Ld. CIT(A)”), Ahmedabad, vide order dated 18.05.2023 passed for A.Y. 2016-17.

2. The Revenue has taken the following grounds of appeal:-

“1. In the facts on the circumstances of the case, the Ld. CIT(A) has erred in law and / or on facts in deleting the addition on account of unexplained cash credits of Rs. 2,14,53,435/- made u/s 68 of the Act, considering that, the same are genuine. The Ld. CIT(A) didn't appreciate the facts that, assessee failed to furnish the supporting evidences before Assessing Officer.

2. In the facts and on the circumstances of the case and in law, the Ld. CIT(A) ought to have upheld the order of the AO.”

3. In this case, the Assessing Officer made addition of Rs. 2,14,53,435/- under Section 68 of the Act on account of unsubstantiated creditors.

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4. The Ld. CIT(A) has deleted the addition holding that the assessee has duly submitted relevant proves like copy of account for the A.Y. 2016-17, copy of the bills, confirmations, proof of payment and VAT return. The Ld. CIT(A) has also categorically held that the original bills of all the purchases for two months have been examined in the remand report by the Assessing Officer and the Assessing Officer has neither made any adverse remarks on the remand report nor any adverse material is brought to notice with regard to the sundry creditors of the goods. The Ld. CIT(A) held that the Assessing Officer in his remand report has accepted the genuineness of the transactions, therefore, no addition can be made out of the outstanding balances.

5. Having gone through the record before us and also keeping in view the fact that nothing adverse has been brought to our notice and since the remand report has categorically accepted by the genuineness of the sundry creditors we hold that no addition can be made on the difference in the sundry creditors as alleged by the Assessing Officer. The order of the Ld. CIT(A) is hereby affirmed.

6. In the result, the appeal of the Revenue is dismissed.

The order is pronounced in the open Court on 16.10.2024

Sd/-
(SIDDHARTHA NAUTIYAL)
JUDICIAL MEMBER

Ahmedabad; Dated 16/10/2024
TANMAY, Sr. PS

Sd/-
(DR. BRR KUMAR)
ACCOUNTANT MEMBER

TRUE COPY

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आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त (अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT,
Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

उप/सहायक पंजीकार (Dy./Asstt.Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad