

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: 'SMC' NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No.3397/Del/2024
Assessment Year: 2012-13

Nipun Trading Company, IX/6560, Nehru Gali, Gandhi Nagar, New Delhi	Vs.	Income Tax Officer, Ward-58(8), New Delhi
PAN: AAHFN5820A		
(Appellant)		(Respondent)

Assessee by	Sh. Narender Chillar, Advocate
Department by	Sh. Yogesh Sharma, Sr. DR

Date of hearing	07.11.2024
Date of pronouncement	14.11.2024

ORDER

This assessee's appeal for assessment year 2012-13, arises against the National Faceless Appeal Centre [in short, the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2024-25/1065118738(1), dated 24.05.2024, involving proceedings under section 147 read with section 144 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. Heard both the parties. Case file perused.
3. It emerges during the course of hearing with the able assistance coming from both the parties that learned Assessing Officer had set into motion section 148/147 proceedings vide notice dated 29.03.2019, after recording reasons to believe that the

assessee had made cash deposits of Rs.60.40 lakhs which represented its unexplained income. Suffice to say that, the learned Assessing Officer ended up in making disallowance of assessee's purchases of Rs.1,87,45,832/- at the rate of 25% coming to Rs.46,86,458/- as evident from the impugned assessment discussion.

4. This being the clinching case, I am of the considered view that case law CIT Vs. Jet Airways (I) Ltd., reported in [2011] 331 ITR 236 (Bom) has already settled the issue in assessee's favour and against the department that such a reopening wherein the Assessing Officer makes an addition on an issue which never formed part of the reason quoted, coupled with no addition as reasons recorded, is not sustainable in law. I accordingly quash the impugned reopening in very terms. Ordered accordingly.] [All other pleadings on merits stand rendered academic.]

5. This assessee's appeal is allowed.

Order pronounced in the open court on 14th November, 2024

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 14th November, 2024.

RK/-

Copy forwarded to:

1. Appellant

2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi