

आयकर अपीलीय अधिकरण
दिल्ली पीठ "बी", दिल्ली
श्री विकास अवस्थी, न्यायिक सदस्य एवं
श्री एस रिफौर रहमान, लेखाकार सदस्य के समक्ष

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "B", DELHI
BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER &
SHRI S RIFAUR RAHMAN, ACCOUNTANT MEMBER

आअसं.2994/दिल्ली/2024 (नि.व. 2017-18)
ITA No.2994/DEL/2024 (A.Y.2017-18)

Chandan Singh Rana,
1819/202 Dhola Complex,
Uday Chand Marg Kotla, South Extn.
New Delhi 110003
PAN: AGKPR-8787-K

..... अपीलार्थी/Appellant

बनाम Vs.

Commissioner of Income Tax(Appeals),
Ward 53(4), Delhi

..... प्रतिवादी/Respondent

अपीलार्थी द्वारा/ Appellant by : Shri R.K Yadav, Advocate
प्रतिवादीद्वारा/ Respondent by : Shri Vivek Kumar Upadhyay, CIT-DR
सुनवाई की तिथि/ Date of hearing : 20/11/2024
घोषणा की तिथि/ Date of pronouncement: : 20/11/2024

आदेश/ORDER

PER VIKAS AWASTHY, JM:

This appeal by the assessee is directed against the order of Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi (hereinafter referred to as 'the CIT(A)') dated 16.04.2024, for assessment year 2017-18.

2. Shri R.K Yadav, appearing on behalf of the assessee submits that the Assessing Officer (AO) in assessment proceedings has made estimated addition of Rs.22,89,114/- as Business Income. The AO has erred in estimating income of the assessee at 8% of the gross receipts from sale of Aircel recharge coupons. Whereas

in the preceding assessment years the margin of the assessee from the sale of recharge coupons was 1.75% (approx) and the same was accepted by the Department Estimation of profit margin at 8% by AO is very much on higher side. The assessee carried issue in appeal before the CIT(A). The CIT(A) confirmed the addition. Apart from above, the Assessing Officer made addition of Rs.2,22,376/- u/s. 69A of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') on account of difference between the amount deposited in the account from sales and the amount transferred to Aircel. The Id. Counsel for the assessee submits that the assessee wishes to place on record certain documents which include Income Tax Return of the preceding assessment years, wherein the profit margin of 1.75% has been accepted by the Revenue.

3. Per contra, Shri Vivek Kumar Upadhyay representing the department vehemently defended the impugned order and prayed for dismissing appeal of the assessee. The Id. DR submitted that the assessee has failed to substantiate its claim before the lower authorities. Now, the assessee cannot be allowed to furnish fresh evidence at this second appellate stage.

4. We have heard the submissions made by rival sides and have examined the orders of authorities below. The nature of business carried out by the assessee is not a dispute. The short contention of the assessee is that in the preceding assessment years the assessee has declared profit margin 1.75% on of total turnover and the same was accepted by the Revenue. There has been no change in the business conducted by the assessee or the profit margins in the impugned assessment year. The contention of the assessee is that the AO has erred in estimating margins at the rate of 8% which is very much on the higher side. To

support his contentions the assessee has now placed on record his Income Tax Returns and computations for the preceding assessment years. Taking into consideration entire facts of the case, we deem it appropriate to restore this appeal back to the AO for fresh adjudication after considering the documents furnished by the assessee to support his contentions. The AO shall reframe the assessment order after affording reasonable opportunity of making submissions to the assessee, in accordance with law.

5. In the result, impugned order is set aside and appeal of the assessee is allowed.

Order pronounced in the open court on Wednesday the 20th day of November, 2024.

Sd/-

(S RIFAUR RAHMAN)

लेखाकार सदस्य/ACCOUNTANT MEMBER

दिल्ली/Delhi, दिनांक/Dated 20/11/2024

NV/-

Sd/-

(VIKAS AWASTHY)

न्यायिक सदस्य/JUDICIAL MEMBER

प्रतिलिपि अग्रेषितCopy of the Order forwarded to :

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. The PCIT
4. विभागीय प्रतिनिधि, आय.अपी.अधि., दिल्ली /DR, ITAT, दिल्ली
5. गार्ड फाइल/Guard file.

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BY ORDER,

(Dy./Asstt. Registrar) ITAT, DELHI