

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

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 961/Del/2024

Assessment Year: 2013-14

Tekram Sharma, B-564, Zaidpur Road Palhari Barabanki-225001.	<u>Vs</u>	DCIT, Central Circle-20, Delhi.
PAN: ACMPT 7298 P		
APPELLANT		RESPONDENT
Assessee by		Shri Somil Aggarwal, Adv.; Shri Shrey Jain, Adv.; & Shri Deepesh Garg, Adv.
Department by		Shri Sanjay Kumar, Sr. DR
Date of hearing		13.11.2024
Date of pronouncement		27.11.2024

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee's appeal for assessment year 2013-14 arises against Commissioner of Income-tax (Appeals)-27, Delhi' DIN and order no. ITBA/APL/M/250/2023-24/1059703688(1), dated 15.01.2024, in case no. CIT(A), Delhi-27/10189/2012-13, in proceedings u/s 147 read with section 143(3) of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Heard both the parties at length. Case file perused.

2. It emerges at the outset during the course of hearing, and more particularly, from a perusal of the impugned assessment order dated 31.03.2022 that the Assessing Officer had sought to set section 148/147 mechanism in motion after

recording reasons to believe regarding assessee's cash withdrawals from bank amounting to Rs. six crores made in the month of October 2012 whereas he ended up only making addition of Rs. 18 lakhs i.e. @ 3% only in order to protect the interest of the Revenue. Meaning thereby that above sole reopening reason has not ended up in any addition. That being the case, I hereby quote CIT v. Jet Airways (I) Ltd. 331 ITR 236(Bom.) to conclude that such a reopening itself is not sustainable in law, quashed accordingly.

All other pleadings on merits stand rendered academic.

3. This assessee's appeal is allowed in above terms.

Order pronounced in open court on 27.11.2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI