

**IN THE INCOME TAX APPELLATE TRIBUNAL, 'C' BENCH
MUMBAI**

**BEFORE: SHRI AMIT SHUKLA, JUDICIAL MEMBER
&
SHRI GIRISH AGRAWAL, ACCOUNTANT MEMBER**

**ITA No.5368/Mum/2024
(Assessment Year :2016-17)**

Pride Trades (P) Ltd. 1, Adarsh Building Walkeshwar Road Opp. White House Mumbai	Vs.	Income Tax Officer Ward-5(2)(1) Mumbai
PAN/GIR No.AABCP8393F		
(Appellant)	..	(Respondent)

Assessee by	None
Revenue by	Shri Krishna Kumar
Date of Hearing	27/11/2024
Date of Pronouncement	27/11/2024

आदेश / O R D E R

PER AMIT SHUKLA (J.M):

The aforesaid appeal has been filed by the assessee against order dated 18/09/2024 passed by NFAC, Delhi for the quantum of assessment passed u/s.147 for the A.Y.2016-17.

2. In the grounds of appeal assessee has raised following grounds:-

“1. The learned CIT (A) grossly erred in confirming addition of Rs. 54,11,283/-on R account of alleged unsecured loan and current

liabilities made u/s. 68 of the Act as discussed in para 4 & 5 of the appeal order.

2. The learned CIT (A) grossly erred in not considering the issue of duplication of addition as this was already added in the same assessment year in the assessment order dated 22.03.2022.

3. The learned CIT (A) grossly erred in confirming the addition of Rs. 54,11,383/- (long term borrowing for Rs. 31,11,283/- and trade payable for Rs. 23,00,100/-) though both the amounts were old ones and not the transactions of the current year and, therefore, invoking section 68 of the Act for such additions is unwarranted and bad in law.

3. The brief facts are that assessee has filed return of income on 11/11/2016. The said return of income stood accepted. Thereafter, the assessee's case was reopened u/s.147 on account of some alleged cash credit of Rs.54,11,213/- u/s.68 and accordingly, order u/s.147 /143(3) was passed on 22/03/2022 wherein the addition of Rs.54,11,283/- was made. This order was challenged before the First Appellate Authority and appeal was filed on 06/12/2022 and it has been stated that it is still pending before the Id. CIT (A) which has been stated to be pending.

4. Again another notice u/s.148 was issued on 24/08/2022 based on some reasons and again re-assessment order has been passed vide order dated 24/05/2023 u/s.147 r.w.s. 144B making some addition of Rs. 54,11,283/-. Thus, aggrieved by such double addition and two re-assessment orders for taxing the same income for the same assessee year, assessee filed the appeal before the Id. CIT (A). However, Id. CIT (A) had dismissed

the assessee's appeal and confirmed the addition. One of the plea which was raised before the ld. CIT(A) was that in this year no fresh credits have been received and all these amounts have come from earlier year i.e. A.Y.2015-16 and this fact has also been noted at page 4 of the ld. CIT(A) order. Ld. CIT(A) in a very mechanical manner and without even looking to the fact that already re-assessment order has been passed and similar addition was made and appeal is pending before the First Appellate Authority he has passed the order and *secondly* that there is no fresh credit received during the year, has confirmed the addition. Against this order, assessee has filed the appeal before us.

5. Before us, ld. DR had filed all the documents received from the ld.AO wherein ld. AO has given all the assessment orders passed in this assessment year, and submitted that assessee's contention is correct that already addition has been made in the earlier assessment order dated 22/03/2012 and without considering the earlier assessment order, another assessment order has been passed u/s.147 /144B as if it was a fresh re-assessment proceedings. This shows not only the lack of application of mind by the ld. AO and ld. CIT(A) but also there is no accountability by any of the authorities as to how assessee is subjected two assessment and litigation costs thrust upon him and order has been passed without verification of records. Accordingly, the entire impugned re-assessment order dated 24/05/2023 is hereby quashed and also the order of the ld. CIT

(A) as against original assessment order passed on 22/03/2022, quantum appeal is still pending.

6. In the result, appeal of the assessee is allowed.

Order pronounced on 27th November, 2024.

Sd/-
(GIRISH AGRAWAL)
ACCOUNTANT MEMBER

Mumbai; Dated 27/11/2024
KARUNA, *sr.ps*

Sd/-
(AMIT SHUKLA)
JUDICIAL MEMBER

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent.
3. CIT
4. DR, ITAT, Mumbai
5. Guard file.

//True Copy//

BY ORDER,

(Asstt. Registrar)
ITAT, Mumbai