

| आयकर अपीलीय अधिकरण न्यायपीठ, मुंबई |
IN THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH, MUMBAI

BEFORE SHRI SAKTIJIT DEY, HON'BLE VICE PRESIDENT
&
SHRI NARENDRA KUMAR BILLAIYA, HON'BLE ACCOUNTANT MEMBER

I.T.A. No. 4321/Mum/2024
Assessment Year: 2010-11

Jitendra Sharma, ACIT, Circle - 19(1), Mumbai	Vs	Bhansali Trade Impex, Mumbai 143-145, Earth Castle Mall 101-104, 1 st Floor V.P. Road Girgaum Maharashtra - 400004 [PAN: AAFFB7831F]
अपीलार्थी/ (Appellant)		प्रत्यर्थी/ (Respondent)

Assessee by :	None
Revenue by :	Ms. Monika H. Pande, Sr. D/R

सुनवाई की तारीख/Date of Hearing : 02/12/2024
घोषणा की तारीख /Date of Pronouncement: 03/12/2024

आदेश/ORDER

PER NARENDRA KUMAR BILLAIYA, AM:

This appeal by the revenue is preferred against the order of the NFAC, Delhi, dated 25/06/2024, pertaining to AY 2010-11.

2. The solitary grievance of the revenue is that the ld. CIT(A) erred in deleting the penalty levied u/s 271(1)(c) of the Act.

3. Briefly stated the facts of the case are that the assessee filed its return of income 09/09/2010 declaring total income at Rs.21,58,132/-. The return was processed u/s 143(1) of the Act and subsequently reopened by issue of notice u/s 148 of the Act and re-assessment proceedings were completed vide order dated 14/03/2016 in which the AO made addition of Rs. 60,17,257/- on account of profit on alleged bogus purchases of Rs.4,81,38,057/-. The addition was made on the estimated profit of 12.5%.

4. The quarrel travelled upto the Tribunal and the Tribunal in *ITA No. 5169/Mum/2019* vide order dated *04/02/2021*, reduced the estimated addition from 12.5% to 4.6%, sustaining thereby addition of Rs.22,14,350/-. The penalty has been levied on the reduced amount.

5. At the very outset, this appeal has to be dismissed for want of tax effect as the penalty imposed is only Rs.6.85 Lakhs, and the appeal of the revenue is hit by *CBDT Circular No. 09/2024, dated 17th September, 2024*.

6. For the sake of completeness, even otherwise, no penalty is leviable u/s 271(1)(c) of the Act on estimation of profit where everybody is estimating the profit. Therefore, on merits also, we do not find any reason to interfere with the findings of the Id. CIT(A) and dismiss the effective ground/s raised by the revenue.

7. In the result, appeal of the revenue is dismissed.

Order pronounced in the Court on 3rdDecember, 2024 at Mumbai.

Sd/-
(SAKTIJIT DEY)
VICE PRESIDENT

Sd/-
(NARENDRA KUMAR BILLAIYA)
ACCOUNTANT MEMBER

Mumbai, Dated 03/12/2024

Sd/-

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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 Pr. CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)-
5. विभागीय प्रतिनिधि , आयकर अपीलीय अधिकरण, मुंबई /DR,ITAT, Mumbai,
6. गार्ड फाई/ Guard file.

आदेशानुसार/ BY ORDER,
TRUE COPY

Assistant Registrar
आयकर अपीलीय अधिकरण
ITAT, Mumbai