

**IN THE INCOME TAX APPELLATE TRIBUNAL
“C” BENCH, AHMEDABAD**

**BEFORE DR.BRR KUMAR, VICE PRESIDENT
SHRI TR SENTHIL KUMAR, JUDICIAL MEMBER**

I.T.A. No.1486/Ahd/2024
(Assessment Year: 2013-14)

Shree Sahaj Alloys Private Limited, 10/9, GIDC Phase 1, Vatva, Ahmedabad-382445.	Vs.	D.C.I.T, Circle 4(1)(1), Ahmedabad.
[PAN No.AAJCS9576P]		
(Appellant)	..	(Respondent)

Appellant by :	Shri Tej Shah, AR
Respondent by:	Shri Rignesh Das, Sr.DR

Date of Hearing	11.12.2024
Date of Pronouncement	13.12.2024

ORDER

PER: DR. BRR KUMAR, VICE PRESIDENT:

This appeal has been filed by the Assessee against the order passed by the Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre, Delhi, vide order dated 26.06.2024 passed for the Assessment Year 2013-14.

2. The Assessee has taken the following grounds of appeal:-

1. *The Learned CIT(A) erred in law and in the facts of the case in confirming the order of the AO in reopening the case of the appellant u/s.147 of the Act.*
2. *The Ld.CIT(A) erred in law and in the facts of the case in confirming the order of the AO in making addition of Rs.40,00,000/- as unexplained cash credits u/s.68 of the Act.*
3. *The CIT(A) erred in law and in the facts of the case in confirming the order of the AO in making addition of Rs.2,55,946/- as unexplained expenditure u/s.69C of the Act.*

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4. *The CIT(A) erred in law and in the facts of the case in confirming the order of the AO in not providing the material gathered during the course of Sanjay Shah & Jignesh Shah as well as opportunity of cross examination.*

3. The pertinent facts for required for adjudication of the issue before us are as under:

- Assessment Year - 2013-14
- Date of completion of Assessment u/s.143 - 25.02.2016.
- Date of issuance of notice u/s.148 - 12.03.2020.
- The provisions of section 147 of the Act reads as under:

“...As per proviso to section 147, no action of reopening can be taken after the expiry of 4 years from the end of relevant assessment years in the case where an assessment had been made u/s 143(3). The proviso is reproduced as under:

Provided that where an assessment under sub-section (3) of section 143 or this section has been made for the relevant assessment year, no action shall be taken under this section after the expiry of four years from the end of relevant assessment year, unless any income chargeable to tax has escaped assessment for such assessment year by reason of the failure on the part of the assessee to make a return under section 139 or in response to a notice issued under sub-section (1) of section 142 or section 148 or to disclose fully and truly all material facts necessary for his assessment for that assessment year...”

4. From the records before us, we find that the Assessing Officer has duly inquired into the loans received from Mainak Comtrade Pvt. Ltd. and KS Trade Infra Pvt. Ltd. during the assessment proceedings conducted u/s.143(3) of the Act. Hence, it cannot be said that there has been a failure

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on the part of the assessee to disclose the material fully and truly before the Revenue authorities. Hence, keeping in view, the clear provisions of the Act, we hold that the notice issued u/s.148 of the Act beyond four years period to examine the loans received from Mainak Comtrade Pvt. Ltd. and KS Trade Infra Pvt. Ltd. cannot be held to be valid and accordingly assessment conducted in this case is hereby annulled.

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

Order pronounced in Open Court on 13.12.2024

Sd/-

**(TR SENTHIL KUMAR)
JUDICIAL MEMBER**

Sd/-

**(DR. BRR KUMAR)
VICE PRESIDENT**

Ahmedabad; Dated 13.12.2024
Manish, Sr. PS

TRUE COPY

आदेश की प्रतिलिपि अग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant
2. प्रत्यर्थी / The Respondent.
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त(अपील) / The CIT(A)-
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

**सहायक पंजीकार (Asstt. Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद/ ITAT, Ahmedabad**