

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'A', NEW DELHI

BEFORE SH. MAHAVIR SINGH, VICE PRESIDENT

AND

SH. S. RIFAUR RAHMAN, ACCOUNTANT MEMBER

ITA No.2122 to 2125 /Del/2024
Assessment Year: 2012-13 to 2015-16

DCIT Central Circle- II Noida	Vs	Apple Natural Resources Pvt. Ltd. H.No. 23A, Office No.201, Kamal Tower Laxmi Nagar, Delhi-92 PAN No.AAICA7568A
(APPELLANT)		(RESPONDENT)

ITA No.2126 to 2129 /Del/2024
Assessment Year: 2012-13 to 2015-16

DCIT Central Circle- II Noida	Vs	Apple Mineral Resources Pvt. Ltd. H.No. 23A, Office No.201, Kamal Tower Laxmi Nagar, Delhi-92 PAN No.AAICA7568A
(APPELLANT)		(RESPONDENT)

Appellant by	Mr. Javed Akhtar, CIT DR
Respondent by	None

Date of hearing:	16/12/2024
Date of Pronouncement:	16/12/2024

ORDER

PER MAHAVIR SINGH, VP:

These eight appeals by the revenue are arising out of different orders of CIT(A)-3, Noida in Appeal Nos.CIT(A), Kanpur-4/10008, 10011, 10012, 10016 & 10019/2018-19 dated 05.03.2024 and Appeal No.CIT(A), Kanpur-4/10007, 10010, 10014, 10017 and 10018/2018-19 dated 05.03.2024. The penalties under dispute were levied by DCIT, Central Circle, Noida U/s. 271 (1)(c) of the Income Tax Act, 1961 (hereinafter referred as “the Act”) vide orders of even date 28.02.2018.

2. At the outset, the Ld. Counsel for the assessee filed copy of Tribunal order in quantum appeals in these two assessee cases wherein the quantum additions have been deleted including protective addition as well as substantive. The Tribunal in ITA No. 1950 to 1953/Del/2024 and ITA No.1978 to 1981/Del/2024 vide order dated 14.11.2024 has deleted the additions by para 5, 6, 7 and 8 as under :-

“5. It is this factual backdrop that we proceed to treat Revenue's appeal in ITA No. 1950/Del/2024 as the "lead" case raising twin substantive grounds seeking to revise undisclosed

income protective addition of Rs. 4,57,26,000/- and bogus share capital amounting to Rs.28,22,30,000/-; respectively.

6. We have given our thoughtful consideration to the Revenue's foregoing twin substantive grounds in this "lead" case i.e. ITA No. 1950/Del/2024 and find no merit therein. We make it clear that the learned CIT(A) has not only upheld the substantive additions in case of the main searched person Sh. Ashish Garg, but also concluded in light of section 292C of the Act that going by the statutory presumption of the contents in the incriminating material seized during the course of search, there is no material to uphold the impugned protective addition in the assessee's hands.

7. So far as Revenue's latter substantive ground regarding share capital addition in the assessee's case is concerned, it has been reversed on the ground that the same already stands assessed in preceding assessment year 2011-12 which has gone un-rebutted from the Revenue side. We thus see no reasons to accept its instant latter substantive grounds being an instance of double addition. This Revenue's "lead" appeal in ITA No. 1950/Del/2024 fails accordingly. Same order to follow in the Revenue's remaining seven appeals seeking to revive

identical protective additions which stand rejected in very terms.

8. To sum up, these Revenue's eight appeals are dismissed in above terms. A copy of this common order be placed in the respective appeals.”

3. Since quantum addition has been deleted in all these assessment years, the penalties levied u/s 271(1)(c) of the Act will not survive. Hence, we uphold the orders of CIT(A) deleting these penalties. All these appeals are accordingly dismissed.

Order dictated in the open court on conclusion of hearing on 16.12.2024.

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER

NEHA, Sr. PS

Date:- .12.2024

Copy forwarded to:

1.Appellant

2.Respondent

3.CIT

4.CIT(Appeals)

5.DR: ITAT

Sd/-
(MAHAVIR SINGH)
VICE PRESIDENT

ASSISTANT REGISTRAR
ITAT NEW DELHI