

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

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA Nos. 3689 & 3690/Del/2024
Assessment Yrs: 2013-14 & 2016-17

Bimlesh Goyal, E-206, Indra Gali No. 3, Shahdara Chhajju Pur, Babar Pur, New Delhi-110032.	<u>Vs</u>	ACIT, Circle-14, New Delhi.
PAN: BJNPS 5675 L		
APPELLANT		RESPONDENT
Assessee represented by	None	
Department represented by	Shri Siddharth B.S. Meena, Sr. DR	
Date of hearing	19.12.2024	
Date of pronouncement	19.12.2024	

ORDER

PER SATBEER SINGH GODARA, JM:

These assessee's twin appeals ITA nos. 3689 & 3690/Del/2024, for assessment years 2013-14 & 2016-17, arise against separate orders of Commissioner of Income Tax (Appeals)-26, New Delhi's DIN and order no. ITBA/APL/M/250/2024-25/106565082(1), dated 13.06.2024, in case no. 10119/2012-13 for A.Y. 2013-14; and DIN and order no. ITBA/APL/M/250/2024-25/1065672421(1), dated 14.06.2024, in case no. 11103/2015-16 for A.Y. 2016-17, respectively, in proceedings u/s 147 read with section 144 of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Cases called twice. None appears at the assessee's behest. He is accordingly proceeded ex parte. For the sake of convenience both these appeals are taken up for hearing and disposed of by the instant common order.

2. It emerges during the course of hearing with the able assistance coming from the Revenue side that both the learned lower authorities in their respective orders, in former assessment year 2013-14, have assessed the assessee as an accommodation entry provider for sale figures of Rs. 5,12,20,000/- involving M/s Paras Gold and treated the similar figures as unexplained money u/s 69A; and of Rs. 27,00,000/- involving M/s Faith Jewellers allegedly as per directions of Shri Naval Kishr Goyal, assessment year wise, respectively.

3. The Revenue vehemently argues that the impugned additions have been rightly made in the assessee's hands. It could hardly rebut the clinching fact that even the lower authorities are themselves fair in the former assessment year in treating the assessee as a mere accommodation entry provider, thereby assessing it @ 1% G.P. only. This tribunal is of the considered view that once the assessee is held as accommodation entry provider, the necessary consequence is that very factual position will continue in the impugned latter assessment year as well. Faced with this situation, I uphold the learned lower authorities' action to the extent that the impugned accommodation entries are to be assessed @ 1% only in assessment year 2013-14 and reject the assessee's instant appeal ITA no. 3089/Del/2024 and

partly allow the latter appeal herein ITA no. 3690/Del/2024 in very terms. It is made clear that so far as the assessee's latter assessment year 2016-17, is concerned I have confirmed the impugned addition of Rs. 27,00,000/- at Rs. 27,000/- only. Necessary computation shall follow as per law.

4. This assessee's former appeal ITA no. 3689/Del/2024 is dismissed and latter case ITA no. 3690/Del/2024 is partly allowed in above terms. A copy of this common order be placed in respective case files.

Order pronounced in open court on 19.12.2024.

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