

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

Before Sh. Satbeer Singh Godara, Judicial Member

ITA No. 680/Del/2024 : Asstt. Year : 2017-18

Gurvinder Pal Singh Gandhi A-22, Lajpat Nagar-3, New Delhi - 110 024 (APPELLANT)	Vs	Income Tax Officer, Ward - 54(5) New Delhi (RESPONDENT)
PAN No. AJZPG 6769 J		

**Assessee by : Ms. Monalisa Maity, Adv.
Revenue by : Sh. Sanjay Kumar, Sr. DR**

Date of Hearing: 02.01.2025	Date of Pronouncement: 02.01.2025
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ORDER

This assessee's appeal for Assessment Year 2017-18, arises against the CIT(A)/NFAC, Delhi's DIN & order No. ITBA/APL/S/250/2023-24/1060392580(1) dated 01.02.2024, in proceedings u/s 143(3) of the Income Tax Act, 1961 (in short "the Act").

2. Heard both the parties at length. Case file perused.
3. A perusal of the case file reveals that both the learned lower authorities have added an amount of Rs.9,89,344/- in assessee's hands after enhancing his profits on sale of gold items declared @ 12.59% on his business receipt of Rs.81,40,477/- to that @16.66% of the cash sales deposited in the bank amounting to RS.59,38,441/- in the relevant previous years.

4. I have given my thoughtful consideration the assessee's pleadings and Revenue vehement contentions coming from learned departmental representative's side. I am of the considered view that till that time the assessee's book result filed under presumptive taxation u/s 44AD are not rejected in principle, the impugned addition of enhancement of its gross profit would not be sustainable in law as it would defeat the purpose of the said scheme itself. I accordingly accept the assessee's instant sole substantive grievance.

5. This assessee's appeal is allowed in very terms.
Order Pronounced in the Open Court on 02/01/2025.

Sd/-
(Satbeer Singh Godara)
Judicial Member

Dated: 02/01/2025

Subodh Kumar, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR