

**IN THE INCOME TAX APPELLATE TRIBUNAL
“DB” BENCH, AGRA**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 15/Agr./2017
(Assessment Year 2009-10)**

ACIT, Circle 2(1) Aayakar Bhawan, City Centre, Gwalior	Vs.	Shri Sandeep Taori 106, Deepa Laxmi Kherapanti Colony, Gwalior-474001
/□□□□□□□□./PAN/GIR No: AAOPT7924N		
Appellant	..	Respondent

Appellant by :	Sh. Sukesh Kumar Jain, CIT, DR
Respondent by :	Sh. Sanjay Kumar, CA

Date of Hearing	12.02.2025
Date of Pronouncement	12.02.2025

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This Revenue’s appeal for assessment year 2009-08 arises against Commissioner of Income Tax (Appeals), [in short, the “CIT(A)”] Gwalior’s order dated 20.10.2016, passed in case No. 759/IT/2011-12/Gwl, in proceedings under Section 143(3) r.w.s. 153A of the Income Tax Act, 1961, [hereinafter referred to as ‘the Act’].

2. Coming to the Revenue’s sole substantive grounds seeking revival of addition of Rs.9,49,52,660/- made in the assessment framed herein by the Assessing Officer dated 26.12.2011, learned CIT-DR seeks to postpone the hearing that the necessary final status report is yet to come from the field authorities. We are of the considered view that the

Revenue's adjournment pleas hardly deserves to be accepted once the CIT(A) detailed discussion holding the very addition as having got settled in the hands of the other parties reads as follows:

"8.3.4. decision: I have carefully considered the written submissions put forth by the counsel, perused the facts of the case including the observation/finding of the AO in the impugned assessment order, remand report & the rejoinder thereon, order of the Hon'ble ITSC passed in case of Shri Ramesh Chand Garg, Affidavits filed by Shri Ramesh Chand Garg, relevant contract notes, confirmation letter filed by Smt. Deepika Bansal and other material brought on record.

8.2.4. After due consideration of the facts and material placed on records, I am inclined to accept the submission of the A/R that the Assessing Officer has verified each and every entry of the NSE cash ledger which were supported by narration, Brokers contract notes, Computation of capital gain and bank statement of Smt Deepika Bansal and affidavits of Shri Ramesh Chand Garg who has ultimately owned up said transactions of Rs.9,49,52,660/-. Further in the remand report AO has not commented adversely in respect of the para no.7 to the written submission filed by the appellant on 30.12.2013. However the whole of the addition for NSE transactions of Rs.9,49,52,660/- is already been delete wide Ground No.4 above, hence this ground of appeal is adjudicated in Ground no.4 above."

3. That being the clinching factual position emanating from the case file, we are of the considered view that there is no merit in the Revenue's instant appeal given the fact that the very addition stands settled in other parties cases hereinabove. We therefore reject the Revenue's instant appeal in very terms.

4. This Revenue's appeal is dismissed.

Order pronounced in the open court on 12.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 12.02.2025

PS: Rohit/Subodh, Sr. PS