

**IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH: 'A': NEW DELHI)**

**BEFORE SHRI VIKAS AWASTHY, JUDICIAL MEMBER
AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER**

**ITA No:- 4713/Del/2024
(Assessment Year- 2018-19)**

Income Tax Officer, SCO 222, Huda Complex City Centre, Sec-15, Bhiwani, Haryana 127021	Vs.	Ashtha Finvest Ltd., 14, 1 st Floor, K M Market, Railway Road, Clock Tower, Bhiwani, Haryana 127021
PAN No:AAACA6184A		
APPELLANT		RESPONDENT

Revenue by : Shri Ashish Tripathi, Sr. DR
Assessee by : None

Date of Hearing :13.03.2025
Date of Pronouncement :21.03.2025

ORDER

PER AMITABH SHUKLA, AM:

This appeal by Revenue is directed against the order of National Faceless Appeal Centre, Delhi, [for short hereinafter referred to as the ["Ld. CIT(A)"] dated 09.08.2024 for Assessment Year 2018-19.

2.0 The only issue arising in the present appeal is with reference to the relief accorded by learned first Appellate Authority appellate to the assessee in respect of addition of Rs.8,05,25,000/- made by the learned assessing officer u/s 68 on account of unexplained cash credit .The assessee had issued 80,52,500/- 7% compulsorily convertible non cumulative preference shares of 10 each. The Ld. Assessing Officer was not satisfied with the identity and credit worthiness of shareholders as also genuineness of the transactions and hence proceeded to make the additions. None appeared on behalf of the appellant assessee. Aggrieved by the order of the learned assessing officer, the assessee preferred an appeal before the learned, CIT(A) who passed his order dated 09.08.2024 which has been contested by the Revenue through the present appeal. The learned DR assailed the order of learned CIT(A) and argued in favour of the assessment order.

3.0 We have heard submissions of ld. DR in the light of material available on records. We have noted from para 6 on page 15 of the appellate order that during the course of appellate proceedings, the appellant assessee had filed an application under Rule 46A for

submission of additional evidences. Consequently, the same was accepted and in all fairness the Ld. CIT (A) provided an opportunity to the Ld. AO, to file his comments. The Ld. AO submitted his comments vide his report dated 29.05.2024. The Ld. CIT (A) has extracted the impugned report from page 17 to 24 of his order. We have noted that in the impugned Remand report, the assessing officer had accepted submissions of the assessee and did not contest, the additions made by the predecessor assessing officer. For the purposes of clarity relevant part is reproduced as under

“ on analysis of the reply filed by the assessee during the assessment proceedings, the assessment order and the additional evidences submitted before the Ld. CIT(A), it is observed that the appellant has made satisfactory attempt to clarify the picture regarding source, credit worthiness and genuineness of the transactions. It is also worth consideration that the FAU was not having the additional evidence such as source of source, assessment order, appeal related documents of the share holding companies. Some of the remarks made by the FAU appear to be partially incorrect. Therefore, it is conclusively submitted that the appeal of the



assessee deserves to be decided in the light of the additional evidences submitted during appellate proceedings.”.

4.0 Thus, it has been seen that in the Remand report the Ld. AO has accepted the fact that no addition was actually called for. The relief has been accorded by the Ld. CIT(A) placing reliance upon the Remand report as well as his own analysis of the matter. The case of the Revenue therefore fails as the relief is squarely resting upon a Remand report. Of the assessing officer. Accordingly, we are of the opinion that no case is made out of any interference in the order of the learned CIT appeal at this stage. We therefore confirm the order of learned CIT appeal and dismiss all the grounds of appeal raised by the Revenue.

5.0 In the result, appeal of the Revenue is dismissed.

Order pronounced in the Open Court on 21.03.2025

Sd/-
(VIKAS AWASTHY)
JUDICIAL MEMBER

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

Dated: 21/03/2025.

Copy forwarded to:

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

ASSISTANT REGISTRAR

ITAT NEW DELHI