

**IN THE INCOME TAX APPELLATE TRIBUNAL,
AGRA BENCH, AGRA**

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

ITA No.441/Agr/2024
Assessment Year: 2013-14

Vijay Sama, 220, Jaipur House, Lohamandi, Agra.	Vs.	ACIT, Circle 1(2)(1), Agra.
PAN : AFPPS9638J		
(Appellant)		(Respondent)

Assessee by	Sh. Rajendra Sharma, Advocate
Department by	Sh. Shailendra Shrivastava, Sr. DR

Date of hearing	17.02.2025
Date of pronouncement	17.02.2025

ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for assessment year 2013-14, arises against the Commissioner of Income Tax (Appeals)-National Faceless Appeal Centre [in short, the "CIT(A)-NFAC"], Delhi's DIN and order no. ITBA/NFAC/S/250/2024-25/1069178761(1) dated 27.09.2024, involving proceedings under section 143(3) of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. Heard both the parties at length. Case file perused.

3. It emerges during the course of hearing with the able assistance coming from both the parties that the learned lower authorities have rejected assessee's books u/s. 145(3) of the Act, thereby assessing his gross turnover in footwear business @ 8%, in the course of assessment dated 22.03.2026 and upheld in the lower appellate discussion. This is what leaves the assessee aggrieved.

4. Both the parties reiterate their respective stands against and in favour of the assessee's books' rejection as well as assessment @ 8% forming solitary subject matter of adjudication before us.

5. Learned counsel has invited our attention to page 43 of the paper book wherein the net profit rate from the assessment year 2010-11 onwards upto the impugned assessment year was declared @ 0.46%, 1.55%, 1.2% and 3.11%, respectively. It is thus clear that the assessee's net profit rate in relevant previous year is already much higher than that accepted in all the preceding three assessment years. However, the fact remains that the assessee has not been able to plead and prove various expenses claimed before the lower authorities which lead to reject the books and assessed of net profit @ 8%. Faced with this situation, we deem it appropriate in the larger interest of justice to restrict the impugned estimation of assessee's profit rate from 8% to 4% with a rider that the

same shall not be treated as a precedent. Ordered accordingly. Necessary computation shall follow as per law.

6. This assessee's appeal is partly allowed in above terms.

Order pronounced in the open court on 17.02.2025.

**Sd/-
(MANOJ KUMAR AGGARWAL)
ACCOUNTANT MEMBER**

**Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER**

Dated:

*aks/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, Agra