

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

**BEFORE HON’BLE SHRI SATBEER SINGH GODARA, JM AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

आयकरअपील सं. / ITA No.11/Agr/2024
(निर्धारणवर्ष / Assessment Year: 2013-14)

Rajeev Kansana 1, Kansana Building MS Road, Morena – 476001	बनाम/ Vs.	ITO-1 Morena
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AMAPK-1247-K		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Shri Gaurav Goyal (CA) – Ld. AR
प्रत्यर्थीकीओरसे/ Respondent by	:	Shri Shailendra Shrivastava – Ld. Sr. DR

सुनवाईकीतारीख/ Date of Hearing	:	12-02-2025
घोषणाकीतारीख / Date of Pronouncement	:	28.03.2025

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2013-14 arises out of an order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 08-12-2023 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 21-03-2016. Having heard rival submissions and upon perusal of case records, the appeal is disposed-off as under.

2. In the assessment order, Ld. AO invoked the provision of Sec.44AF and assessed income on presumptive basis at Rs.88.94 Lacs. The assessee had declared net profit of 0.83% only. The assessee filed elaborate written submissions during appellate proceedings which were

duly considered by Ld. CIT(A). It was noted that the books were duly audited u/s 44AB. The turnover was above threshold limit of Rs.2 Crores and therefore, the presumptive provisions could not be applied to the case of the assessee. Considering the totality of fact, Ld.CIT(A) estimated profit of 5% and granted partial relief to the assessee. Aggrieved, the assessee is in further appeal before us.

3. From the facts, it emerges that the assessee could not furnish sufficient documentary evidences in support of its profit margins. The relevant bills and vouchers were not furnished. In such a situation, the authorities would be left with no option but to estimate the income of the assessee. The estimation of 5%, in our opinion, in assessee's line of business is quite reasonable. The Ld. AR could not controvert the impugned estimation with concrete evidences. Therefore, the adjudication of Ld. CIT(A) could not be faulted with.

4. The appeal stands dismissed.

Order pronounced u/r 34(4) of Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-
(SATBEER SINGH GODARA)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / ACCOUNTANT MEMBER

Dated: 28.03.2025

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AGRA