

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**

आयकरअपीलसं./ ITA No. 469/Agr/2018
(निर्धारणवर्ष / Assessment Year:2014-15)

DCIT, Circle 2(3)(1), Jhansi.	बनाम/ Vs.	M/s KKG Real Estate (P) Ltd., 395, Shiv Pariwar Colony Outside Unnao Gate, Jhansi-284002
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AADCK-6238-N		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Sh. Sukesh Kumar Jain – Ld. CIT-DR
प्रत्यर्थीकीओरसे/ Respondent by	:	None

सुनवाईकीतारीख/ Date of Hearing	:	20-02-2025
घोषणाकीतारीख / Date of Pronouncement	:	22.04.2025

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by revenue for Assessment Year (AY) 2014-15 arises out of an order passed by learned Commissioner of Income Tax (Appeals)-2, Agra [CIT(A)] on 31-03-2018 in the matter of an assessment framed by Ld. AO u/s 143(3) r.w.s. 147 on 29-12-2016. At the time of hearing, none appeared for assessee. Having heard pleadings of Ld. CIT-DR, our adjudication would be as under.

2. From case records, it emerges that pursuant to survey u/s 133A on the assessee on 25-03-2015, the case was reopened and notice u/s 148 was issued on 11-02-2016. The assessee e-filed return of income on 26-10-2015. On the basis of total receipts shown by the assessee between three months as found during survey, the receipts of entire financial years were estimated and profit thereon was computed at 10% which

resulted into addition of Rs.2 Crores in the hands of the assessee. There were credits in bank account for Rs.2.66 Crores which were separately added to the income of the assessee and the assessment was framed at total income of Rs.4.71 Crores.

3. The Ld. CIT(A), in para 6.3, observed that as per document found, the receipts were only Rs.5.51 Crores and 10% thereof i.e., Rs.55.14 Lacs alone was to be treated as business income of the assessee. The extrapolation as made by Ld. AO was rejected since no material was found in that regard. Consequently, separate addition of bank credit was deleted since the same would amount to double addition. Aggrieved, the revenue is in further appeal before us.

4. It is quite clear that the impugned additions are made on the basis of documents found during survey. However, receipts only for three months have been found whereas receipts for entire year have merely been extrapolated without there being any other material on record to support the same. It is trite law that only the real income has to be brought to tax and the assessment cannot be made on mere presumptions. The consequential addition has also rightly been deleted since the same are part of business receipts only. Adding the same again would amount to double addition which is impermissible. Therefore, we do not find any infirmity in the impugned order.

5. 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: 22.04.2025

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

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT
4. विभागीय प्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AGRA