

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

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

**ITA No. 376/Agr/2015  
(Assessment Year 2010-11)**

ACIT, Circle-2(1)(1) Agra	Vs.	Shri Madhukar Kapur 64-Surya Nagar, Agra
स्थायीलेखासं./जीआइआरसं./PAN/GIR No: ACNPK8849G		
Appellant	..	Respondent

Appellant by :	Sh. Anurag Sinha, Adv.
Respondent by :	Sh. Shailender Shrivastava, Sr. DR

Date of Hearing	12.02.2025
Date of Pronouncement	12.02.2025

**ORDER**

**PER SATBEER SINGH GODARA, JUDICIAL MEMBER:**

This assessee's appeal for assessment year 2010-11 arises against Commissioner of Income Tax (Appeals)-II, [in short, the "CIT(A)"], Agra's in case No. 92/CIT(A)-II/Agra/DCIT-4(1)/Agra/2013-14 dated 16.03.2015, in proceedings under Section 143(3)/147 of the Income Tax Act, 1961, [hereinafter referred to as 'the Act'].

2. This Revenue's appeal raises the following substantive grounds in the instant appeal before us:

- “1. That the Ld. CIT(A) has erred in law and on facts in deleting the addition of Rs. 1,94,70,000/- made on account of deemed dividend

*particularly on the basis of report of the ROC, without appreciating the facts of the case, especially that the case of the assessee was squarely covered under the provisions of section 2(22)(e) of the I.T. Act, 1961.*

2. *That the order of Ld. Commissioner of Income Tax (Appeals)-II, Agra being erroneous in law and on facts deserves to be quashed and that of the Assessing Officer deserves to be restored.*
3. *That the appellant craves leave to add or alter any or more ground or grounds of appeal as may be deemed fit at the time of hearing of appeal.”*

3. It emerges during the course of hearing that with the able assistance coming from both the parties that CIT(A)'s impugned lower appellate discussion at page 3 onwards has quoted earlier order in the assessee's case itself for preceding assessment 2009-10 deleting identical Section 2(22)(e) deemed dividend addition relating to buy-back of shares, forming subject matter of adjudication herein.

4. We make it clear that although the learned departmental representative had raised a very strong contention to get matter adjourned, we hereby reject the same in light of the fact that the sole issue has nowhere been stated to be involving any distinction on facts or law, as the case may be. That being the case, we uphold the learned CIT(A) action deleting the impugned deemed dividend addition. Ordered accordingly.

5. 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

Copy forwarded to:

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

ASSISTANT REGISTRAR

ITAT AGRA