

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

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

**ITA No. 231/Agr/2024  
(Assessment Year 2010-11)**

Mohammed Owais, 109, Sabit Ganj, Etawah Uttar Pradesh-206001	Vs.	Income Tax officer, Ward-2(2)(5) 711, Civil Lines Etawah, Uttar Pradesh 206001
स्थायीलेखासं./जीआइआरसं./PAN/GIR No:ABDPO7891D		
Appellant	..	Respondent

Appellant by :	Sh. Rajendra Sharma, CA
Respondent by :	Sh. Shalendra Shrivastava, Sr. DR

Date of Hearing	10.02.2025
Date of Pronouncement	10.02.2025

**ORDER**

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

This assessee's appeal for assessment year 2010-11 arises against Commissioner of Income Tax(Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's DIN & Order No. ITBA/NFAC/S/250/2023-24/1058065212(1) dated 20.11.2023, in proceedings u/s 147 r.w.s. 144 of the Income-tax Act, 1961, [hereinafter referred to as the 'Act'].

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

3. Coming to the assessee's substantive grievance challenging the correctness of both the lower authorities action in adding an amount of Rs.15,43,650/-, it emerges during the course of hearing that the same represent estimated net profit @ 30% on gross receipts turnover of Rs.51,45,500/- in trading of fruits business.

4. That being the case, the learned DR is hardly in dispute that neither of the lower authorities have discussed market comparable profit rate nor the assessee's past profit rate which justifies the impugned estimation of highly exorbitant impugned profit rate @ 30%.

5. Faced with this situation, we deem it proper that a lump sum Net Profit rate of 8% only on gross receipts/turnover in the given facts would be just and proper with a rider that the same shall not be treated as a precedent. Necessary computation(s) shall follow as per law.

6. This assessee's appeal stands partly allowed.

Order pronounced in the open court on 10.02.2025

Sd/-  
(Manoj Kumar Aggarwal)  
ACCOUNTANT MEMBER

Sd/-  
(Satbeer Singh Godara )  
JUDICIAL MEMBER

Dated 10.02.2025

PS: Rohit/Subodh, Sr. PS

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

ASSISTANT REGISTRAR