

IN THE INCOME TAX APPELLATE TRIBUNAL, RANCHI BENCH, RANCHI

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

I.T.A. No. 183/Ran/2023
(Assessment Year-2018-19)

Baljeet Bhatia, Tara Apartment, P.P. Compound, Ranchi-834001. PAN No. ADGPB 9388 P	Vs.	A.C.I.T., Central Circle-1, Ranchi.
Appellant/ Assessee		Respondent/ Revenue

I.T.A. No. 219/Ran/2023
(Assessment Year-2018-19)

A.C.I.T., Central Circle-1, Ranchi.	Vs.	Baljeet Bhatia, Tara Apartment, P.P. Compound, Ranchi-834001. PAN No. ADGPB 9388 P
Appellant/ Revenue		Respondent/ Assessee

I.T.A. No. 175 & 176/Ran/2023
(Assessment Year-2017-18 & 2018-19)

Sanjay Bhatia, Bhatia Villa, Behind St. Marry School, Doranda, Ranchi-834002 PAN No. ACCPB 2892 H	Vs.	D.C.I.T./A.C.I.T., Circle-1, Ranchi.
Appellant/ Assessee		Respondent/ Revenue

I.T.A. No. 201 & 202/Ran/2023
(Assessment Year-2017-18 & 2018-19)

A.C.I.T., Central Circle-1, Ranchi.	Vs.	Sanjay Bhatia, Bhatia Villa, Behind St. Marry School, Doranda, Ranchi-834002 PAN No. ACCPB 2892 H
Appellant/ Revenue		Respondent/ Assessee

I.T.A. No. 184 & 185/Ran/2023
(Assessment Year-2017-18 & 2018-19)

Ashwani Kumar Bhatia, Nirmal Villa, Pee Pee Compound, Main Road, Ranchi-834001. PAN No. ACCPB 2815 L	Vs.	A.C.I.T./DCIT, Circle-1, Ranchi.
Appellant/ Assessee		Respondent/ Revenue

I.T.A. No. 218/Ran/2023
(Assessment Year-2018-19)

A.C.I.T., Central Circle-1, Ranchi.	Vs.	Ashwani Kumar Bhatia, Nirmal Villa, Pee Pee Compound, Main Road, Ranchi-834001. PAN No. ACCPB 2815 L
Appellant/ Revenue		Respondent/ Assessee

I.T.A. No. 186, 187, 188, 189 & 190/Ran/2023
(Assessment Year-2012-13, 2013-14, 2016-17, 2017-18 & 2018-19)

Kaveri Restaurant, Main Road, Ranchi-834001. PAN No. AADFK 2387 D	Vs.	D.C.I.T., Circle-1/Central Circle-1, Ranchi.
Appellant/ Assessee		Respondent/ Revenue

I.T.A. No. 217 & 212/Ran/2023
(Assessment Year-2017-18 & 2018-19)

A.C.I.T., Central Circle-1, Ranchi.	Vs.	Kaveri Restaurant, Main Road, Ranchi-834001. PAN No. AADFK 2387 D
Appellant/ Revenue		Respondent/ Assessee

I.T.A. No. 194 & 195/Ran/2023
(Assessment Year-2017-18 & 2018-19)

Punjab Sweet House, Main Road, Ranchi-834001. PAN No. AAFFP 8027 E	Vs.	D.C.I.T., Central Circle-2, Ranchi.
Appellant/ Assessee		Respondent/ Revenue

I.T.A. No. 216/Ran/2023
(Assessment Year-2017-18)

D.C.I.T., Central Circle-2, Ranchi.	Vs.	Punjab Sweet House, Main Road, Ranchi-834001. PAN No. AAFFP 8027 E
Appellant/ Revenue		Respondent/ Assessee

I.T.A. No. 213 & 214/Ran/2023
(Assessment Year-2017-18 & 2018-19)

A.C.I.T., Central Circle-1, Ranchi.	Vs.	Kaveri Divya Hotels Private Limited, Capitol Hill, Main Road, Ranchi. PAN No. AACCK 7300C
Appellant/ Revenue		Respondent/ Assessee

I.T.A. No. 203 & 204/Ran/2023
(Assessment Year-2017-18 & 2018-19)

A.C.I.T., Central Circle-1, Ranchi.	Vs.	Dinanath Hotels Private Limited, Main Road, Ranchi. PAN No. AABCD 4248 H
Appellant/ Revenue		Respondent/ Assessee

Assessee represented by	Shri R.R. Mittal, A.R.
Department represented by	Smt. Rinku Singh, CIT-DR
Date of hearing	13/06/2025
Date of pronouncement	13/06/2025

ORDER

PER: BENCH

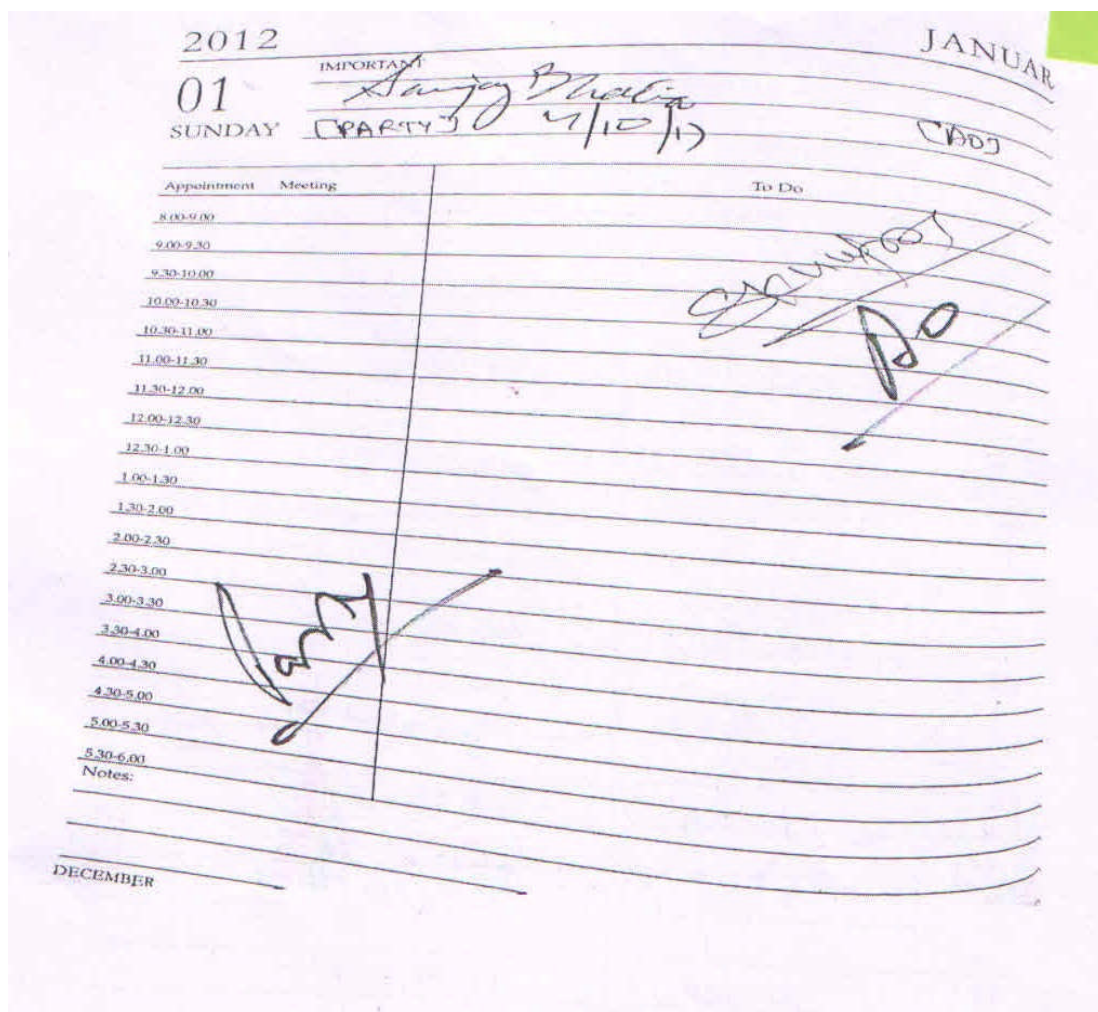
1. All these appeals filed by the assesseees and the revenue against the orders of the Id. CIT(A)-3, Patna dated 16/06/2023, 19/06/2023, 03/07/2023, 05/07/2023 and 07/07/2023 for the A.Ys. 2012-13, 2013-14, 2016-17, 2017-18 and 2018-19 respectively. As all these appeals relate to the Kaveri group and have foundation on the survey statement and survey documents found in the course of survey, the appeals are being disposed off by this common order.
2. Shri R.R. Mittal, Id. AR is represented on behalf of assessee and Smt. Rinku Singh, Id. CIT-DR is represented on behalf of the revenue.
3. The facts in the present group of cases are that there was survey operation on so called Kaveri Group in Ranchi on 04/10/2017. The survey was conducted on the business premises covered being Hotel Capitol Hill and Hotel Capitol

Residency, these are two hotels, Punjab Sweet House which is a sweet shop, new Kathi kabab, which is a takeaway and Kaveri restaurant, which is also a restaurant. During the course of survey, various documents, books of account and computer datas were found and impounded. A survey statement had been recorded from various Directors, Proprietors, and partners of the said Kaveri Group. It was submitted by the Id. Authorised Representative that interestingly, all the statements recorded were inverbatim same. There were also impounded documents found which are handwritten. On the basis of impounded document, various assessees declared income at the time of statement. It was a submission that he did not wish to go any further than making so much of the statement. It was a further submission that in the course of survey, in all the premises surveyed, old diary/register containing one page/ several pages having written in respect of banquet receipts/sales were found for the period November, 2016 to June 2017 and for other periods, nothing else was found in any of the premises except in the case of Kaveri Restaurants where certain details and receipts were found. It was a submission that the diary/register entries were only in regard to the banquet receipts or catering receipts or restaurant receipts. Each of those old diary/register entries of one page had the names of the various Directors individually or the proprietors or the partners. It was a submission that consequent to the survey, the assessees had declared additional income of ₹ 6.40 crores. The assessees had filed their returns in their individual status and in respect of the proprietorship concerns disclosing the agreed disclosure totaling to ₹ 6.40 crores and paid taxes. The assessments came to be completed as shown in the chart as follows:

Kaveri Group									
Assessee	A.Y.	Undisclosed	Additional Papers	Disclosure Made	Returned Income	As per A.O	Addition Remarks	As Per CIT	Addition Confirmed
KAVERI DIVYA	2017-18	12,300,000	nil	nil	3,598,800	15,898,800	1,23,00,000 Protective	Nil	nil
KAVERI DIVYA	2018-19	39,700,000	nil	nil	9,881,198	49,620,380	3,29,51,000 Substantive	Nil	nil
ASHWANI BHATIA	2017-18	Kaveri Divya		2,750,000	4,061,640	16,361,640	1,23,00,000 Protective	4,140,640	79,000
ASHWANI BHATIA	2018-19	Kaveri Divya		6,749,000	7,772,510	40,842,510	3,29,51,000 Unexplained expenses	10,273,510	2,501,000
DINANNATH HOTELS P LTD	2017-18	20,685,000	nil	nil	1,319,840	26,698,860	2,06,85,000 Protective	1,319,840	NIL
DINANNATH HOTELS P LTD	2018-19	68,868,440	nil	nil	14,249,300	68,868,441	4,03,88,662 Substantive	14,945,902	6,92,602 ESI
SANJAY BHATIA	2017-18	Dinanath		3,570,000	4,770,750	25,455,750	2,06,85,000 Substantive 69A	5,958,300	1,187,550
SANJAY BHATIA	2018-19	Dinanath		7,947,800	9,390,518	49,779,180	4,03,88,662 Protective assessment	12,712,718	3,322,200
KAVERI RESTAURANT	2012-13		1,210,005		813,340	2,123,345	undisclosed sale	1,034,310	220,970
KAVERI RESTAURANT	2013-14		8,558,763		916,170	10,215,638	undisclosed sale / Cash Payment	3,796,565	2,880,395
KAVERI RESTAURANT	2016-17		15,087,663		2,258,010	17,345,673	undisclosed sale	6,029,925	3,771,915
KAVERI RESTAURANT	2017-18	28,012,810	27,971,259	7,125,000	9,725,750	165,459,550	10,68,74,731 Presumption sale	16,718,565	6,992,815
KAVERI RESTAURANT	2018-19	66,877,100		14,397,250	18,286,760	71,336,560	5,23,98,208 Unexplained expenses 81642 undisclosed profit 4,95,419 stock 74,750 cash	21,178,734	2,891,974
PUNJAB SWEET HOUSE	2017-18	25,749,890		5150000	6,060,810	31,810,700	unaccounted Income	6,833,310	772,500
PUNJAB SWEET HOUSE	2018-19	76,805,150		12051000	13,151,950	15,716,650	25,64,700 profit est @18.92	18,868,450	5,716,500
BAJJEET BHATIA	2018-19	24,000,000		4,320,000	4,805,962	24,485,610		26,165,610	1,680,000
		362,998,390	52,827,690	64,060,050	111,063,308	632,019,287		149,976,379	32,016,819

Stock Not adjudicated + cash

It was a submission that the Assessing Officer had made protective additions in the hands of the firms and substantive addition in the hands of the Directors/Partners/Proprietors where declarations had been made. The Assessing Officer treated the entire receipts as per the said diary/register as the undisclosed income of the assessee. The total addition made was to an extent of ₹ 52.10 crores resulting into total assessment of ₹ 63.20 crores. It was a submission that the so called diary/register entries and the statement recorded showed that the assessee had agreed in the statement that the receipts were in their entirety the income and no expenses was allowable. The samples of the statements and the seized materials are as follows:



MONTH PLANNER 2016 JANUARY

SANJAY BHATIA

APPOINTMENTS		To Do
Su	1	NOV 2016
Mo	2	
Tu	3	8 NOV, 16
We	4	
Th	5	18 NOV, 16
Fr	6	
Sa	7	5 Dec, 16
Su	8	
Mo	9	11 Dec, 16
Tu	10	
We	11	3 Feb, 17
Th	12	
Fr	13	9 Feb, 17
Sa	14	
Su	15	4 APRIL, 17
Mo	16	
Tu	17	3 MAY, 17
We	18	
Th	19	14 MAY, 17
Fr	20	
Sa	21	18 MAY, 17
Su	22	
Mo	23	28 MAY, 17
Tu	24	
We	25	2 JUNE, 17
Th	26	
Fr	27	6 JUNE, 17
Sa	28	
Su	29	15 JUNE, 17
Mo	30	
Tu	31	29 JUNE, 17

APPOINTMENTS		To Do
		BANKING - RECEIPTS
		28,50,000 / -
		32,80,000 / -
		42,80,000 / -
		24,60,000 / -
		46,65,000 / -
		32,50,000 / -
		60,80,000 / -
		40,50,000 / -
		62,80,000 / -
		42,80,000 / -
		59,68,000 / -
		64,00,000 / -
		62,00,000 / -
		47,50,000 / -
		42,00,000 / -

Statement on oath of Shri Sanjay Bhatia, Director of M/s Dinanath Hotels (P) Ltd., Ranchi

Ans: All these documents belong to the business activities of M/s Dinanath Hotels Private Limited. However, at present I am not able to explain all the entries contained in these documents. I shall explain these later on.

Q.9. Amongst all the books of accounts/ other documents impounded from this premises, DHPL- 17 is a diary containing written entries at only one page, viz. page no. 1. Even back side of the page no. 1 is blank. On the page no. 1 of this diary, entries of 15 huge amounts have been written against different dates of the F.Y. 2016-17 and the current F.Y. 2017-18. These entries have been written under the caption- 'Sales U', 'SANJAY BHATIA', 'BANquet Receipts'. The sum total of all the amounts written against the dates of F.Y. 2016-17 is Rs. 2,06,85,000/- and the sum total of all the amounts written against the dates of F.Y. 2017-18 is Rs. 4,82,08,000/-. In this context you are requested to explain the following:

- Please explain the meaning of the terms 'Sales U', 'SANJAY BHATIA', 'BANquet Receipts' used in this page;
- Please explain the nature and mode of the receipts written in this page. Please also show the entries of these receipts in the books of accounts of the person/ entity concerned.

Ans: Point wise reply is as under:

- The explanation of the meanings of the terms are as follows:
 - Sales U: Can't explain.
 - SANJAY BHATIA: It is my own name.
 - BANquet Receipts: It is meant for my own income, i.e. income in my individual capacity.
 - The mode of these receipts is by way of cash and these receipts have not been accounted for either in my own income or in the income of any other entities.

Sanjay Bhatia
[PARTY] 5/10/17

[A.O.]
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Statement on oath of Shri Sanjay Bhatia, Director of M/s Dinanath Hotels (P) Ltd., Ranchi

I admit these receipts as my unaccounted for the respective financial years.

Q.10. Please state whether there is any purchases or expenses of any kind incurred against these unaccounted income on account of unaccounted income/ receipts. If yes, please provide their details along with the supporting bills/ vouchers.

Ans: No. There is no purchases/ expenses of any kind incurred against these unaccounted receipts. These entire receipts are my unaccounted income for the financial years 2016-17 and 2017-18 (till date) over and above my normal profit for these periods. Accordingly, I offer to pay tax on my unaccounted income of Rs. 2,06,85,000/- for the F.Y. 2016-17 and the unaccounted income of Rs. 4,82,08,000/- for the F.Y. 2017-18 (till date).

Q.11. Do you want to state anything else or do you want to alter or modify any of your above replies?

Ans: No.

I have given my statement in a sound state of mind. No threat, pressure or undue influence was brought to me. I have read & understood my statement & it has also been explained to me. It has been recorded exactly as I stated.

Sanjay Bhatia
[PARTY] 5/10/17

[A.O.]
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SALES (U)

NOVELTY
PAGE NO. :
DATE : 17

BANQUET RECEIPT - (RESIDENCY)

5 NOV, 16	-	20,00,000/-
12 NOV, 16	-	31,00,000/-
28 NOV, 16	-	30,00,000/-
30 DEC, 16	-	42,00,000/-
1, APRIL, 17	-	46,00,000/-
8, APRIL, 17	-	62,00,000/-
3 MAY, 17	-	39,00,000/-
12 MAY, 17	-	42,00,000/-
26 MAY, 17	-	49,00,000/-
31 MAY, 17	-	48,00,000/-
7 JUNE, 17	-	64,00,000/-
15 JUNE, 17	-	47,00,000/-
<u>Asst.</u> <u>Party</u>	-	<u>4-0</u>

Authorized Officer
JCF Formo-1, RAY

Signature.....

Accordingly, the assessee was show-caused on why the entire unaccounted income of Rs. 3,97,00,000/- found in the form of "Banquet receipts" should not be treated as undisclosed

Statement on oath of Shri Ashwani Kr. Bhatia, Director- M/s Kaveri Divya Hotels Private Limited

the backup data of all the computers installed in the premises of Hotel Capital Hill have been stored in a Pen-Drive and this has also been inventoried and impounded. These items have been impounded with the identification marks- CR- 01 to CR- 33. I am showing you all these documents, please identify and explain the entries contained in these documents.

Ans: All these documents belong to the business activities of M/s Kaveri Divya Hotels Private Limited. However, at present I am not able to explain all the entries contained in these documents. I shall explain these later on.

Q.7. Amongst all the books of accounts/ other documents impounded from this premises, CR- 33 is a register containing written entries at only two pages, viz. page no. 1 and page no. 2. At page no. 1, only "MINTU BHATIA" is written. While on page no. 2 of this register, entries of 12 huge amounts have been written against different dates of the F.Y. 2016-17 and the current F.Y. 2017-18. Even back side of the page no. 1 and 2 are blank. The entries of amounts have been written under the caption- 'Sales U', 'BANQUET RECEIPTS' 'Residency'. The sum total of all the amounts written against the dates of F.Y. 2016-17 is Rs. 1,23,00,000/- and the sum total of all the amounts written against the dates of F.Y. 2017-18 is Rs. 3,97,00,000/-. In this context you are requested to explain the following:

- i. Please explain the meaning of the terms 'MINTU BHATIA', 'BANQUET RECEIPTS' 'SALES (U)' written in this register;
- ii. Please explain the nature and mode of the receipts written the page no. 2 of this register. Please also show the entries of these receipts in the books of accounts of the person/ entity concerned.

Ans: Point wise reply is as under;

- i. The explanation of the meanings of the terms are as follows:
 - i. MINTU BHATIA: It is my own nick name.
 - ii.

Agmt.
5/10/17
PARTY]



[A.O.]
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Statement on oath of Shri Ashwani Kr. Bhatia, Director- M/s Kaveri Divya Hotels Private Limited

the backup data of all the computers installed in the premises of Hotel Capital Hill have been stored in a Pen-Drive and this has also been inventoried and impounded. These items have been impounded with the identification marks- CR- 01 to CR- 33. I am showing you all these documents, please identify and explain the entries contained in these documents.

Ans: All these documents belong to the business activities of M/s Kaveri Divya Hotels Private Limited. However, at present I am not able to explain all the entries contained in these documents. I shall explain these later on.

Q.7: Amongst all the books of accounts/ other documents impounded from this premises, CR- 33 is a register containing written entries at only two pages, viz. page no. 1 and page no. 2. At page no. 1, only "MINTU BHATIA" is written. While on page no. 2 of this register, entries of 12 huge amounts have been written against different dates of the F.Y. 2016-17 and the current F.Y. 2017-18. Even back side of the page no. 1 and 2 are blank. The entries of amounts have been written under the caption- "Sales U", "BANQUET RECEIPTS" "Residency". The sum total of all the amounts written against the dates of F.Y. 2016-17 is Rs. 1,23,00,000/- and the sum total of all the amounts written against the dates of F.Y. 2017-18 is Rs. 3,97,00,000/-. In this context you are requested to explain the following:

- i. Please explain the meaning of the terms 'MINTU BHATIA', 'BANQUET RECEIPTS', 'SALES (U)' written in this register;
- ii. Please explain the nature and mode of the receipts written the page no. 2 of this register. Please also show the entries of these receipts in the books of accounts of the person/ entity concerned.

Ans: Point wise reply is as under:

- i. The explanation of the meanings of the terms are as follows:
 - i. MINTU BHATIA: It is my own nick name.
 - ii.

ASHWANI
[PARTY]



[A.O.]
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On examination of the submission, it has been observed that Shri ASHWANI KUMAR BHATIA (ACCPB2815L), in his ROI for the AY 2018-2019 found to have disclosed only 17% profit on total receipts of Rs.3,90,00,000/- i.e. Rs.66,30,000/-. Further on perusal of the ITR/computation of Sri Ashwani Bhatia, it has been observed Sri Ashwani Bhatia had shown his income from the following:-

Salaries received from "Dinanath Hotels (P) Limited"	Rs.720000
Salaries received from "Kaveri Divya Hotels (P) Limited"	Rs.480000
Income from House property	-200000

It was a submission that on appeal the Id. CIT(A) had accepted the contention of the assessee that the total receipts could never be the income in so far as the entries in the diaries would give the impression that in respect of the banquets and the catering, the assessee is charging nearly ₹ 20,000/- per plate when considering the capacity of the banquets and this too during the

assessment year 2017-18 and 2018-19 and more so in a place like Ranchi. It was a submission that consequently, the Id. CIT(A) had reduced the additions made by the Assessing Officer in the substantive hands and had estimated the income of the assessee by estimating the same to be 25% of the receipt found in the impounded documents. It was a submission that in respect of the protective additions the Id. CIT(A) held that as the additions have been modified and adjusted in the hands where the substantive additions have been made no additions were required to be made in the hands where such protective additions have been made. It was a submission that this addition at 25% of the alleged banquet receipts, restaurant receipts and catering receipts as made by the Id. CIT(A) was in affected enhancement and this was done without issuing an enhancement notice to the assessee and therefore, the same is liable to be deleted. It was a submission that in the case of Kaveri Restaurant for the A.Y. 2018-19, the issue of closing stock of ₹ 4.79 lacs and the addition representing the cash found in the course of survey, though challenged was not adjudicated by the Id. CIT(A), it was a submission that the assessee has shown the said stock in his closing stock in the books and the cash was also as accorded in the books of assessee and therefore, the additions were liable to be deleted. It was a further submission that in respect of Dinanath Hotels Pvt. Ltd. for the A.Y. 2018-19, the Assessing Officer had made an addition under head delayed payment of PF and ESI to an extent of ₹ 6,94,602/- and the same is not challenged by the assessee and the same stands accepted. It was a further submission that in respect of Kaveri restaurants for the A.Y. 2012-13, 2013-14 and 2016-17, certain additional

papers had been found and the Assessing Officer had made additions on the basis of such materials taking the total amount as receipts and the Id. CIT(A) had reduced the same to 25% of such value of the documents found. It was a submission that the assessee has declared an income at least 15% and therefore, the rate of 25% applied is far excessive. The assessee had declared a 12% profit. It was submission that 25% estimated by the Id. CIT(A) is excessive and the same may be reduced. It was a further submission that the additions as made by the Id. CIT(A) is liable to be deleted.

4. In reply, the Id. CIT-DR submitted that in the case of Kaveri restaurant, only for the A.Y. 2017-18, the projection has been done by the Assessing Officer and for the A.Y. 2012-13, 2013-14 and 2016-17, the Assessing Officer has treated the entire receipts as per the seized documents as the income of the assessee. It was a further submission that for the A.Y. 2012-13, 2013-14 and 2016-17, the difference between the impounded documents in the case of Kaveri restaurant and the amounts has recorded in their regular books was treated as income of the assessee. It was a further submission that in regard to the claim of the assessee that there is enhancement made by the Id. CIT(A), the same is not acceptable. It was a submission that the Id. CIT(A) has reduced the income assessed by the Assessing Officer which is based on the seized material and the statements recorded in the course of survey. It was a submission that it is not a case of enhancement but it is a case of reduction of the addition. It was a submission that the revenue is in challenge against such reduction. It was a submission that the amounts as assessed substantially by the Assessing Officer is liable to be upheld. It was a submission that in respect

of Kaveri restaurant for the A.Y. 2018-19, the cash and stock as recorded in the book may be verified and if the same have been found to be recorded as on the date of survey the same may be deleted.

5. We have considered the rival submissions. A perusal of the chart as submitted by the Id. Authorised Representative which have been extracted above, clearly shows that the claim of the Id. AR that there has been enhancement does not stand substantiated. A perusal of the statement recorded also clearly gives the indication that all the statements have been prepared together and it is not a statement recorded in the course of the survey. The claim of the Id. Authorised Representative that if the statements as found in the diary is considered and the banquet hall capacity is only 300 person admittedly it would have to be considered that the entire amounts mentioned in those diaries cannot be treated as the undisclosed income of the assessee. To this extent we are of the view that the Id. CIT(A) is right in holding that the assessee is entitled to a claim of expenses and only the GP is liable to be added. Here we notice that on the basis of such claim of expenses, the assessee group itself has disclosed ₹ 6.40 crores in various hands as has been shown in the chart. A perusal of the additions as confirmed by the Id. CIT(A) clearly shows that the additions in respect of the income estimated are much higher than the income disclosed by the assessee in its returns as additional income as these the additions as confirmed by the learned. CIT(A) is higher than the amounts as disclosed by the assessee in their returns admitting the additional income on the basis of such recordings in the diary. In short, in the chart, the column marked as additions confirmed by the Id. CIT(A) would stand deleted except in the case of

Dinanath Hotels Pvt. Ltd. for the A.Y. Year 2018-19 to an extent of ₹ 6,92,602/- representing the delayed payment of PF and ESI.

6. Coming to the appeals in the case of Kaveri restaurant for the A.Y. 2012-13, 2013-14 and 2016-17, it is noticed that the Assessing Officer has added the difference between the figures as determined in the impounded documents and as recorded in the books of the assessee. In regard to the same, as it is noticed that the impounded documents showed a higher figure and there is a difference between the impounded documents and the amounts as recorded in the books, the Assessing Officer is directed to assess the GP on the same at 15% of the difference between the amounts disclosed in the books and as recorded in the impounded documents. In short, for the A.Y. 2012-13, 2013-14 and 2016-17 in the case of Kaveri restaurant, the Assessing Officer shall estimate an additional income at 15% of ₹ 12,10,005/- for the A.Y. 2012-13, 15% of ₹ 85,58,763/- for the A.Y. 2013-14 and 15% of ₹ 1,50,87,663/- for the A.Y. 2016-17. For the A.Y. 2017-18, in the case of Kaveri restaurant, as the undisclosed income has been estimated by extrapolation without any documents, the addition as made stands deleted in its entirety. No presumption of undisclosed sales can be made without there being any iota of evidence. In regard to Kaveri restaurant for the A.Y. 2018-19, the issue of addition representing the cash found in the course of survey and the stock found in the course of survey is restored to the file of the Assessing Officer to examine from the books of account of the assessee the amounts that have been disclosed by the assessee in its books. If the cash is found recorded as on the date of

survey and the stock is also as recorded in the books as on the date of survey, no addition is to be made.

7. In the result, the appeal of the assessee for Kaveri restaurant for the A.Y. 2018-19 stands partly allowed for statistical purposes and the appeals of the assessee in all other cases stands partly allowed and the appeals of the revenue stands dismissed. The additions made in the case of protective addition remained deleted in so far as the additions as proposed by the Assessing Officer as substantive have been modified.
8. For the A.Y. 2012-13, 2013-14 and 2016-17, the appeals of the assessee stands partly allowed. It might be also clearly understood by the Assessing Officer that the disclosure as made by each of the assessee in their returns for the respective assessment years stands confirmed and that does not stand modified in any manner whatsoever. Any further additions stand adjusted or deleted according to the directions given above.
9. In the result, this appeal filed by the assessee is allowed.

Order announced in open court on 13th June, 2025.

Sd/-
(RATNESH NANDAN SAHAY)
ACCOUNTANT MEMBER

Sd/-
(GEORGE MATHAN)
JUDICIAL MEMBER

Ranchi, Dated: 13.+
./06/2025

**Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

By order

Sr. Private Secretary, ITAT, Ranchi