

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AGRA BENCH: AGRA**

**BEFORE  
SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER  
AND  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

ITA No.71/AGR/2025  
(ASSESSMENT YEAR: 2021-22)

Gopal Gali No.10, P-365/2, Near Haija Hospital, Goolar Road, Uttar Pradesh-202001. PAN-AEMPG0384B	Vs.	Principal Commissioner of Income Tax-1, Agra
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	None
Department by	Shri Shailendra Srivastava. Sr. DR
Date of Hearing	19/05/2025
Date of Pronouncement	24/06/2025

**ORDER**

**PER MANISH AGARWAL, AM:**

This is an appeal filed by the assessee against the order of the Learned Principal Commissioner of Income Tax -1, Agra [PCIT, in short] dated 12.12.2024, passed u/s 263 of the Income Tax Act, 1961 ('the Act' in short) for Assessment Year 2021-22.

2. None appeared on behalf of the assessee.

3. Heard the Ld. Sr. DR who relied upon the order of Ld. PCIT and requested for the confirmation of the order.

4. Heard and perused the material available on record. In this case, the assessment was completed u/s 143(3) r.w.s 144B of the Act vide order dated 27.12.2022. The assessee is an individual and engaged in the wholesale trading of M.S. Iron Scrap. It is seen that the notice u/s 133(6) were issued to the suppliers from whom the assessee purchased the scrap. It is further seen that the notice u/s 133(6) were issued in case of 36 suppliers through verification unit and it was reported that only 10 notices were served and replies were filed. The AO after considering the reply filed by 10 parties and going through the submissions made by the assessee, accepted the purchases made and completed the assessment by making disallowance of Rs.1,19,889/- on account of GST penalty. It is further seen that during the course of assessment proceedings, the assessee has field confirmation of 32 suppliers. The Ld. PCIT in its order u/s 263 observed that the AO while completing the assessment has failed to appreciate the fact that all the suppliers had not complied to the notices issued u/s 133(6) of the Act despite of non-services of notices. Ld. PCIT further observed that the AO had not taken any further action and simply accepted the confirmation filed by the assessee. Ld. PCIT observed that these confirmations were identical and they appeared to be prepared in the same handwriting by one person. These facts were not examined by the Assessing Officer, therefore, the Ld. CIT(A) after making verifications of the facts reaches to the

conclusion that an assessment order passed by the Assessing Officer is without enquiries and thus is erroneous and prejudicial to the interest of Revenue. We find that such observations of the Ld. PCIT were not controverted by the assessee, and, therefore, we find no error in the order of Ld. PCIT holding the assessment order as erroneous and prejudicial to the interest of the Revenue. Accordingly, the same is hereby upheld. All the grounds of appeal of the assessee are dismissed.

6. In the result, the appeal of the assessee is dismissed.

Order pronounced in the open court on 24.06.2025.

Sd/-  
**(SUNIL KUMAR SINGH)**  
**JUDICIAL MEMBER**

Sd/-  
**(MANISH AGARWAL)**  
**ACCOUNTANT MEMBER**

Dated: 24.06.2025

PK/Sr. Ps

Copy forwarded to:

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

ASSISTANT REGISTRAR