

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC' NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 4766/Del/2025
Assessment Year: 2012-13

M/s Sarveishvar Commodities Pvt. Ltd. 4088-4093, Naya Bazar, Delhi-110006. PAN: AAJCS 2151 G	<u>Vs</u>	ACIT, Circle-24(1), New Delhi.
APPELLANT		RESPONDENT
Assessee represented by	Shri Somil Agarwal, Ad.	
Department represented by	Shri Manoj Kumar, Sr. DR	
Date of hearing	22.09.2025	
Date of pronouncement	22.09.2025	

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee's appeal for assessment year 2012-13 arises against Commissioner of Income Tax (Appeals)-1, Nasik [DIN & Order No. ITBA/APL/S/250/2025-26/1077256934(1)], in proceedings u/s 147 r.w.s. 143(3) of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Heard both the parties at length. Case file perused.

2. It emerges during the course of hearing with the able assistance coming from both the parties that the learned lower authorities herein have treated the assessee's purchases from M/s Gauri Traders as bogus ones, and, thereafter assessed the same qua the gross profit component only @ 25%; coming to Rs. 14,70,175 in assessment order dated 18.12.2019 and upheld in the lower appellate discussion.

3. That being the case, learned counsel's first and foremost vehement contention is that the impugned purchases would not have been disallowed at the rate of 25% but having regard to the corresponding book result declared all along. Leaned DR could further not dispute that the impugned disallowance @ 25% is too high i.e. exorbitantly made than in light of the assessee's corresponding book results.

4. Be that as it may, it is thus deemed proper in the larger interest of justice to restrict the impugned disallowance from 25% in question to that @ 5% only with a rider that the same shall not be treated as precedent. Necessary computation shall follow as per law.

All other pleadings have rendered academic.

5. This assessee's appeal is partly allowed.

Order pronounced in open court on 22.09.2025.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 29.09.2025.

MP

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI