



**IN THE INCOME TAX APPELLATE TRIBUNAL
LUCKNOW BENCH "A", LUCKNOW**

**BEFORE SHRI KUL BHARAT, VICE PRESIDENT AND
SHRI NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

ITA No.380/LKW/2025
Assessment Year: 2014-15

ACIT, Central Circle, Bareilly Kamla Nehru Marg, Civil Lines, Bareilly, Bareilly-243001.	v.	M/s. H. S. Jewels Badaun Pvt Ltd 105/33 Vardhman Golden Plaza Community Centre Road No.44 Pitampura Delhi, Delhi-110085.
		PAN:AACCH9775N
(Appellant)		(Respondent)

Appellant by:	Ms. Shweta Mittal, CA		
Respondent by:	Shri R. K. Agarwal, CIT(DR)		
Date of hearing:	08	10	2025
Date of pronouncement:	08	10	2025

ORDER

PER KUL BHARAT, VICE PRESIDENT.:

This appeal, by the Revenue, is directed against the order of the Learned Commissioner of Income-tax (Appeals)-3, Lucknow dated 28.03.2025 pertaining to the assessment year 2014-15. The Revenue has raised the following grounds of appeal: -

“1. Whether on facts and circumstances of the case and in law the CIT(A) has erred in deleting the addition of Rs. 1,50,00,000/- made under section 68 of the Income tax Act, 1961 in view of the fact that the assessee failed to establish the creditworthiness of the loan creditors and genuineness of transactions.

2. Whether on facts and circumstances of the case and in law, the CIT(A) has erred in ignoring the fact that the assessee itself has accepted during the appellate the loan creditors except M/s Kurmi Developers, were non-responsive and no communication could be established even after best efforts, the assessee offered such unsecured loans taken from the entities except M/s Kurmi Developers, treating the same as cessation of liability for assessment year 2020-21 further goes on to establish that the loan creditors were non-existent.

3. Whether on facts and circumstances of the case and in law, CIT(A) erred in ignoring the fact that during the course of search proceedings under section 132 of the Act on 21.12.2020, several incriminating materials including digital data were found and seized. Digital data included tally back taken and seized from the premises of the assessee company, which contained therein the group summary of loans for the FY 2018-19.

4. *Whether on facts and circumstances of the case and in law, CIT(A) erred in ignoring the fact that the documents/evidences found during search & seizure Proceedings became the trigger point for post search inquiry proceedings and in the statement recorded under section 132(4) of the Act, the director of the assessee company gave evasive reply in respect of unsecured loans.*

5. *Whether on facts and circumstances of the case and in law, CIT(A) erred in ignoring the fact the principles which the Hon'ble Supreme Court had laid down in the case of Pr. CIT v. NRA Iron and Steel (P.) Ltd. [2019] 15 SCC 529 when the facts involved in the present case fall within four corners of the same.*

6. *Any other ground that may be adduced at the time of hearing."*

2. At the time of hearing before us, it was observed, on perusal of Form-36 in which the appeal has been filed, that the total tax effect is stated to be Rs.49,87,015/- which is below the prescribed limit of Rs.60,00,000/-, as instructed by Central Board of Direct Taxes, for filing an appeal in Income Tax Appellate Tribunal against order of the learned CIT(A). Representatives of both sides, the Ld. Sr. Departmental Representative for Revenue and the Ld. Authorized Representative for the assessee were in agreement that the tax effect being below the minimum prescribed limit of Rs.60,00,000/-, this appeal is not maintainable and should be dismissed.

3. In view of foregoing and as representatives of both sides are in agreement on this, this appeal is dismissed *in limine* without admitting the appeal and without going into the merits of the case.

4. By way of abundant caution, we clarify that Revenue will be at liberty to approach Income Tax Appellate Tribunal for restoration of appeal; if deemed fit, if it is found that the appeal is otherwise maintainable despite the tax effect being below Rs.60,00,000/-.

5. In the result, the appeal filed by the Revenue is dismissed as not maintainable.

Order pronounced in the open Court on 08/10/2025.

Sd/-
[NIKHIL CHOUDHARY]
ACCOUNTANT MEMBER

Sd/-
[KUL BHARAT]
VICE PRESIDENT

DATED: 08/10/2025

Vijay Pal Singh, (Sr. PS)

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. DR
5. Guard File

// True Copy//

By order
Sr. Private Secretary