

**THE INCOME TAX APPELLATE TRIBUNAL
"B" BENCH, DELHI**

**BEFORE MS. MADHUMITA ROY, JUDICIAL MEMBER &
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

**ITA No.2147/Del/2024
(Assessment Year: 2021-22)**

DCIT, Room No. 320, Ara Centre, Jhandewalan Extension, New Delhi – 110055	Vs.	Girdhari Lal Construction Pvt. Ltd. 2899, D5, B Aggarwal Colony , Bathinda H.O., Bathinda, 151001 Punjab
स्थायीलेखासं. / जीआइआरसं. / PAN/GIR No: AABCG9035B		
Appellant	..	Respondent

Appellant by :	Sh. Shrikant Namdeo, CIT(DR)
Respondent by :	Sh. Amit Goyal, CA & Sh. Pranav Yadav, Adv.

Date of Hearing	03.09.2025
Date of Pronouncement	07.11.2025

O R D E R

PER MADHUMITA ROY, JM:

The appeal filed by the Revenue is directed against the order passed by the learned Commissioner of Income Tax (Appeals) -30, New Delhi (hereinafter referred to as "CIT(A)") dated 22.02.2024 arising out of the order of assessment dated 30.03.2022 under Section 143(3) read with section 153A of the Income-Tax Act, 1961 (hereinafter referred to as "the Act") passed by the learned Assessing Officer, DCIT, Central Circle - 30. New Delhi (hereinafter referred to as "AO"), for AY – 2021-22.

2. The Revenue has filed the appeal with the following grounds:

- “1. That on the facts and in the circumstances of the case, the Ld. CIT(A) has erred in partly allowing the appeal of assessee without considering the facts and circumstance of this case.
2. That on the facts and in the circumstances of the case, the Ld. CIT(A) has erred in deleting the addition of Rs. 12,70,19,059/- on account of unexplained cash entries under section 69A of the Act.
3. The Ld. CIT(A) has ignored the finding of AO during assessment proceedings wherein the assessee failed to establish the creditworthiness and genuineness of the transactions of Rs. 12,70,19,059/-.
4. The order of the Ld. CIT(A) is erroneous and is not tenable on facts and in law.
5. That the grounds of appeal are without prejudice to each other.
6. The appellant craves to add, alter or amend any/all of the grounds of appeal before or during the course of the hearing of the appeal.”

3. We have heard the rival submissions made by the respective parties and we have also considered the materials on record including the orders passed by the authorities below and the judgments relied upon by the respective parties.

4. The brief facts leading to the case are that there was a search and seizure operation u/s 132 of the Act conducted on 26.10.2020 in the case of assessee along with the other cases of Sanjay Jain and Mehta Group at various residential and business premises. The year of search is financial year 2020-21 relevant to assessment year 2021-22 and is year under consideration before us. The assessee is an engineering,

procurement and construction (EPC) contractor and undertakes accommodation projects mainly for Central Government agencies. Assessee has furnished its return of income for the AY 2021-22 on 07.03.2022 declaring total income of Rs. 26,49,11,280/- u/s 139 of the Act. According to learned AO there are evidence that the assessee company was in practice of generating the cash through RTGS on the bogus bills acquired from the Sanjay Jain and his controlled entities. During the course of search at the residential premises of the Director of the company and office premises of the company following cash was found as detailed below:

Sr. No.	Address	Name	Total Cash found	Total Cash seized	Cash Released
i)	5A, 5 th Floor, Central Park, Gurgaon	Mr. Vikas Mehta	59,75,37,500/-	59,65,00,000/-	10,37,500/-
ii)	1402, Tower No. 4, Gurgaon	Mr. Amit Gupta	41,82,200/-	40,00,000/-	1,82,000/-
iii)	House No. 205, Chandigarh	Mr. Naveen Mehta	34,05,900/-	30,00,000/-	4,05,900/-
iv)	Locker No. 35, HDFC Bank, Sector 35B, Chandigarh	Ms Rashmi Mehta Wife of Mr. Vikas Mehta	35,000/-	-	35,000
v)	Locker No. 108, HDFC Bank, Sector 35B, Chandigarh	Mr. Vijay Mehta	34,94,500/-	34,94,500/-	---
vi)	Sarojini Nagar Office	GLCPL	3,70,000/-	--	3,70,000/-
vii)	House No. 410, Chandigarh	GLCPL	30,100/-	--	30,100/-
viii)	House No. 22, Chandigarh	GL Mehta	2,52,400/-	--	2,52,400
		Total	60,98,07,600/-	60,74,94,500/-	10,37,500/-

4.1 According to order of assessment, during the assessment proceedings Vikas Mehta, Amit Gupta and Naveen Mehta had submitted that the cash found at their residence belongs to Assessee Company and they had submitted the cash lying was same cash which was generated out of the RTGS done to the entities controlled and managed by Sanjay Jain. Learned Assessing Officer further referred to order of assessment for preceding assessment year 2020-21, that assessee has surrendered bogus purchases amounting to Rs. 93,55,94,461/- in assessment year 2019-20 and Rs. 6,13,73,201/- in assessment year 2020-2021, however during the assessment year 2020-21 the assessee has done RTGS amounting to Rs. 51,51,75,913/- against which cash was received by the assessee. Out of that cash, the cash amounting to Rs. 9,55,00,000/- was utilized for paying the cash components of the property bearing no. CS0025, DLF City Centre, Gurgaon, Haryana which was purchased from Krishan Kumar Chaudhary and Savita Chaudhary and registered in the name of assessee company on 27-12-2019, So the balance cash of Rs. 41,96,75,913/- generated in AY 2020-21 may be assumed to be cash which was seized. Likewise during assessment year 2021-22 cash amounting to Rs. 2,26,04,177/- was generated against the RTGS done from the entities controlled and managed by Sanjay Jain. Apart thereof Learned Assessing Officer has also considered the cash in hand held by the assessee company in its proper books of accounts on the date of search at various branches aggregating to Rs.4,05,08,451/-. Thus Learned AO concluded that the evidences with respect to piece-meal generation and application have been found, there was few of the evidence which shows that some part of the cash may be the same cash and has given relief to that extent in following manner:

Sr. No.	Particulars	Amount (In Rs.)
1	Cash found from various Residential premises, Locker of the directors and office Premises of GLCPL	60,98,07,600/-
2	Less: Cash Balance generated in AY 2020-21 Against RTGS Done and Cash generated in AY 2021-22 Against RTGS Done(Rs. 41,96,75,913/- + Rs. 2,26,04,177/-)	44,22,80,090/-
3	Less: Cash in Hand as per Audited books of accounts of various branches	4,05,08,451/-
4	Unaccounted cash of the assessee company	12,70,19,059/-

4.2. It is pertinent to add here that the learned Assessing Officer in the order of assessment noted that there are NOTE BUNDLE LABELS found which was on the cash seized from the residence of Vikas Mehta. The detailed summary of the same is given below:

Date	Bank Name
08.06.2018	HDFC Bank
08.06.2018	HDFC Bank
11.06.2018	HDFC Bank
11.06.2018	HDFC Bank
11.06.2018	HDFC Bank
14.06.2018	HDFC Bank
14.06.2018	HDFC Bank
15.06.2018	HDFC Bank
17.06.2018	HDFC Bank
12.07.2018	HDFC Bank
15.09.2018	HDFC Bank
09.11.2018	HDFC Bank
09.11.2018	HDFC Bank
22.01.2019	HDFC Bank
22.01.2019	HDFC Bank
24.01.2019	HDFC Bank
28.01.2019	HDFC Bank

28.01.2019	HDFC Bank
15.02.2019	Axis Bank
22.02.2019	HDFC Bank
27.02.2019	HDFC Bank
27.02.2019	HDFC Bank
27.02.2019	HDFC Bank
05.03.2019	HDFC Bank
05.03.2019	HDFC Bank
08.03.2019	HDFC Bank
13.03.2019	HDFC Bank
13.03.2019	HDFC Bank
25.03.2019	HDFC Bank
26.03.2019	Kotak Bank
27.03.2019	HDFC Bank
28.03.2019	HDFC Bank

4.3 Likewise, the screen shots of these NOTE BUNDLE LABEL/NOTE SLIPS is given below: It is pertinent to mention that on these slips the date of bundling of cash is mentioned:

I.T.N.S. - 150
ORIGINAL / REVISED**Income Tax Computation Form**

If revised, mention the date of last computation.....

1 PAN No : AABCG9035B
 2 Name and Address of the Assessee.
 M/s Girdhari Lal Construction Pvt Ltd
 2899, D5, B, Aggarwal Colony, Bhatinda, Punjab-
 151001

3 Assessment Year :
 4 Previous Year ended : 31-03-2019
 5 Whether Resident/NOR/NR. : RESIDENT
 6 Status. : Company
 7 If HUF is higher rate of tax applicable?
 8 Order U/s. u/s 153A r.w.s. 143(3) of the I.T. Act
 9 Date of Order 30.03.2022

INCOME TAX CALCULATION

10 Normal Income	1774247661	29 Less : Already charge u/s 143(1)	0
11 Special Income	0	30 LESS: TDS	95529234
12 Assessed Income	1774247661	31 LESS: Advance Tax	170000000
13 Agricultural Income.	0	32 Balance Tax	354463867
14 Aggregate Income	0	33 Intt. U/s 234A	14178554
15 Current year losses.	0	34 Intt. U/s 234B	127606981
16 Deemed total income u/s 115JB (MAT)	0	35 Interest u/s 234C Applicable	4625855
17 Tax on Normal Rate	532274298	36 TOTAL TAX (32+33+34+35)	0
18 Tax on Special Rate	0	37 Self Assessment Tax	470613122
19 Less: Rebate on Agricultural Income.	0	38 TOTAL TAX + INTEREST	0
20 Less: Rebate u/s 87A	0	39 Not Applicable	0
21 Less: Others Rebate.	0	40 Intt. U/s 244A	0
22 Tax on Income.	0	41 TOTAL TAX (38 + 39 + 40)	0
23 Tax payable on U/s 115JB (MAT)	0	42 Not Applicable	0
24 Gross Tax Payable (Higher of 22 & 23)	0	43 Already Refunded u/s 143(1)	0
25 Surcharge/Marginal Relief	63872915	44 TOTAL TAX PAYABLE	30262135
26 Education Cess	23845888		
27 MAT Credit u/s 115JAA .	0		
28 TOTAL ASSESSED TAX.	619993101		

Total Tax (in words) #NAME?

Prepared By

Checked By

D & CR NO.....

SIGNATURE

NAME

DESIGNATION

DATED

Sr. TA

Seal

Dy, Commissioner of Income Tax
Central Circle - 30, New Delhiप्रदुमन मीना
उप आयकर आयुक्त
केन्द्रीय वृत्त-30, नई दिल्ली

Exhibit - 6
Statement of Sh. Vikas Mehta

नकद प्राप्त
6

1 2
3 4

ओरियन्टल बैंक ऑफ कॉमर्स
ORIENTAL BANK OF COMMERCE
(भारत सरकार का उद्यम / A Govt. Of India Undertaking)

राज्य / Branch
शेक का मूल्य / Denomination of Notes
शेक / Pieces
गणना की गई / Counted by
जांचा गया / Checked by
दिनांक / Date
हस्ताक्षर / Signature

15 JUN 2019

ओरियन्टल बैंक ऑफ कॉमर्स
भारत सरकार का उद्यम / A Govt. Of India Undertaking

ओ एफ / CF-93

ओरियन्टल बैंक ऑफ कॉमर्स
ORIENTAL BANK OF COMMERCE
(भारत सरकार का उद्यम / A Govt. Of India Undertaking)

राज्य / Branch
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हस्ताक्षर / Signature

15 JUN 2019

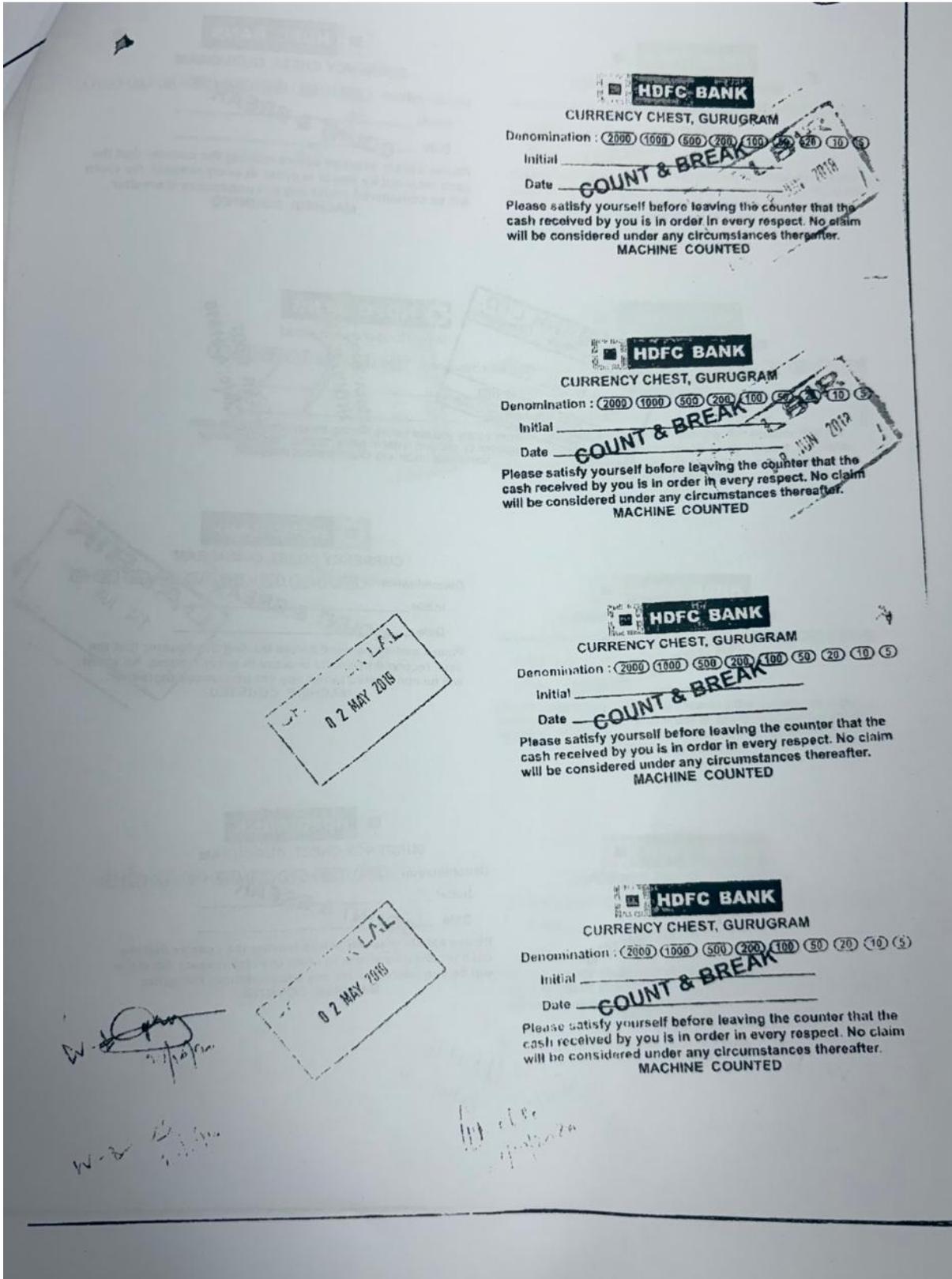
ओरियन्टल बैंक ऑफ कॉमर्स
भारत सरकार का उद्यम / A Govt. Of India Undertaking

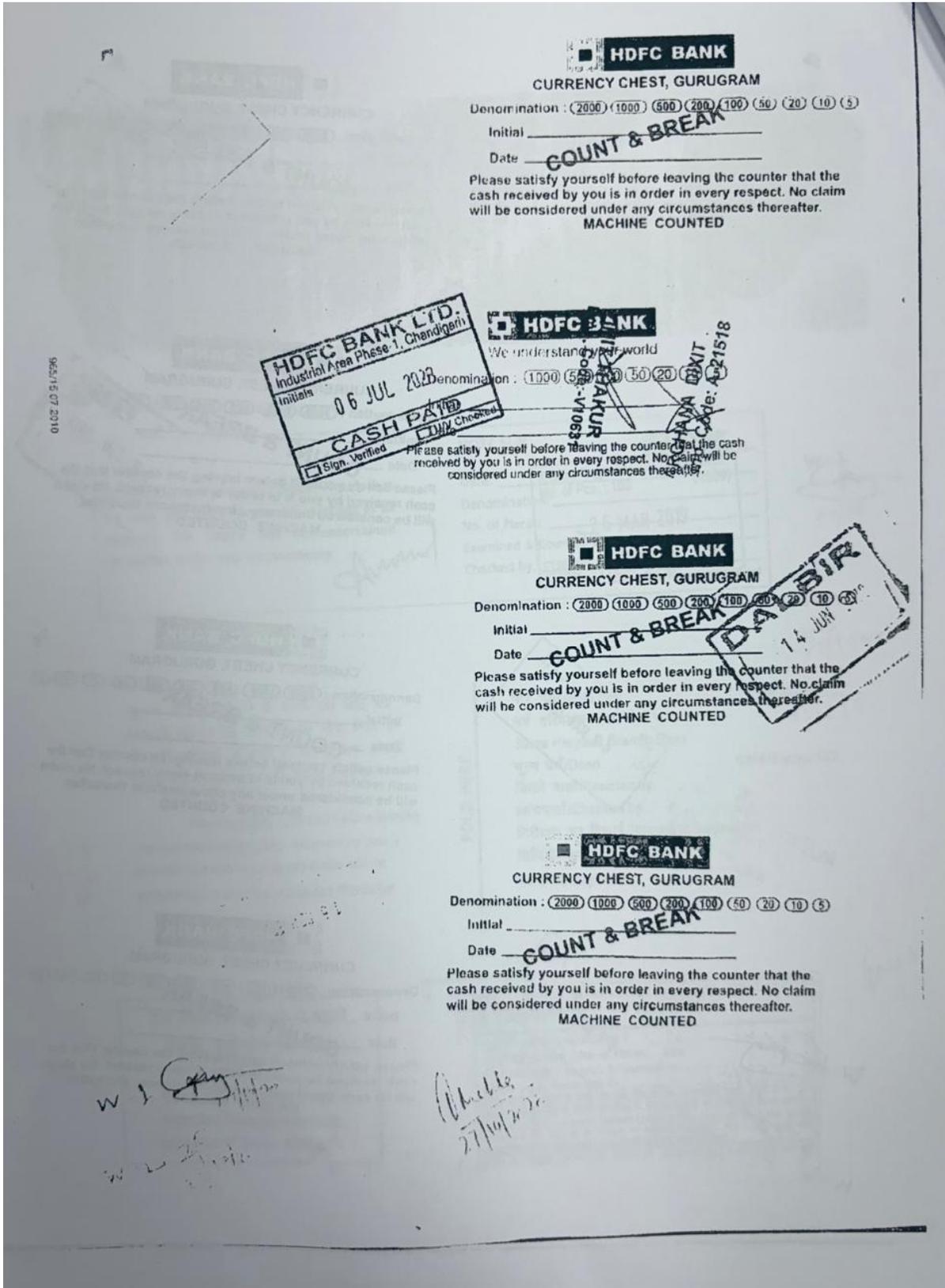
ओ एफ / CF-93

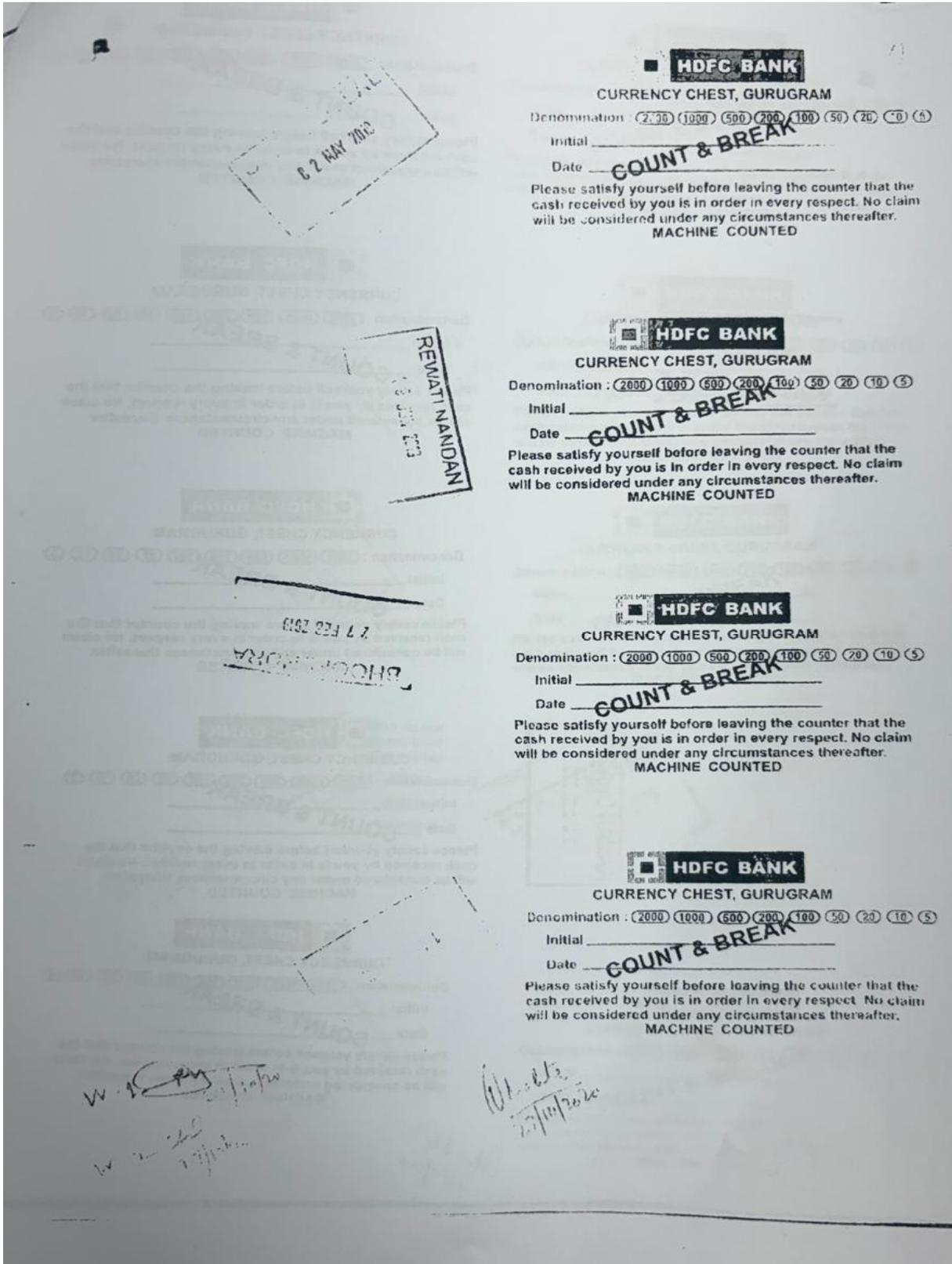
W. K. Singh

W-2 Jais

W-3 Jais







102

HDFC BANK

CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

Initial _____

Date _____

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.
MACHINE COUNTED

COUNT & BREAK

HDFC BANK

CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

Initial _____

Date _____

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.
MACHINE COUNTED

COUNT & BREAK

HDFC BANK

CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

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COUNT & BREAK

HDFC BANK

CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

Initial _____

Date _____

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.
MACHINE COUNTED

COUNT & BREAK

27 FEB 2019
BHOOPENDRA

RAMAN DHAWAN
14 AUG 2019

15 MAR 2019

Handwritten signatures and initials at the bottom of the page.

103



CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

Initial _____

Date _____

COUNT & BREAK

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.

MACHINE COUNTED

KRISHNAN DAL
12 JUN 2018



CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

Initial _____

Date _____

COUNT & BREAK

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.

MACHINE COUNTED

KRISHNAN DAL
12 JUN 2018



CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

Initial _____

Date _____

COUNT & BREAK

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.

MACHINE COUNTED

Denominat
Initial
Date
Please satis
cash receive
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BIR
2018

Check
11/06/18

KRISHNAN DAL
12 JUN 2018



CURRENCY CHEST, GURUGRAM

Denomination : (2000) (1000) (500) (200) (100) (50) (20) (10) (5)

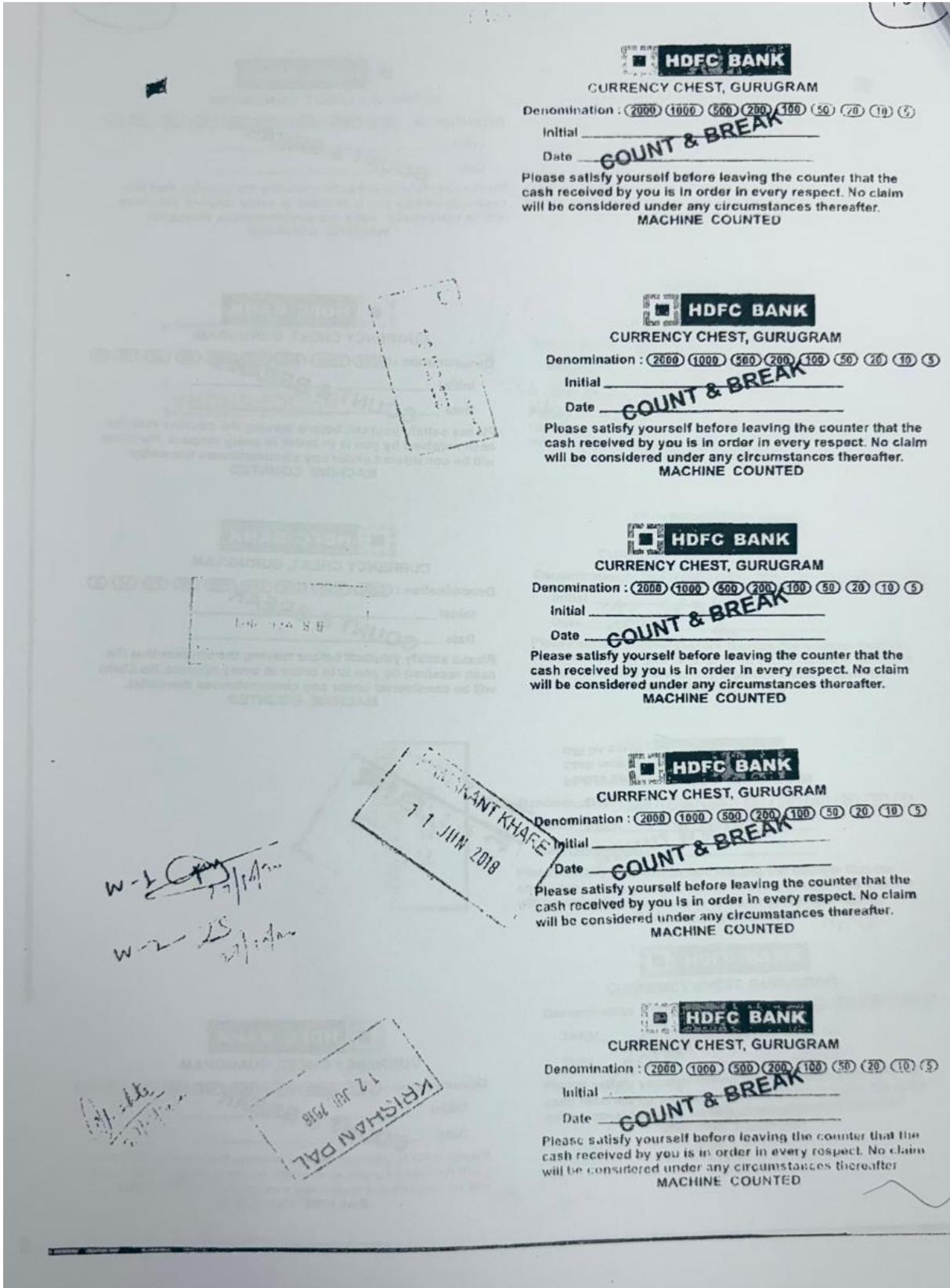
Initial _____

Date _____

COUNT & BREAK

Please satisfy yourself before leaving the counter that the cash received by you is in order in every respect. No claim will be considered under any circumstances thereafter.

MACHINE COUNTED



4.4 Thus admittedly cash seized was also pertains to financial year 2018-19 relevant to assessment year 2019-20; however learned Assessing Officer has accepted the cash generated from assessment year 2020-21 and 2021-22 and has made addition of Rs. 12,70,19,059/- being unaccounted cash of the assessee company u/s 69A of the Act.

5. Being aggrieved, assessee preferred the appeal before the Learned CIT(A). He stated that it is not in dispute that the assessee indulged into bogus invoicing through Shri Sanjay Jain from various entities managed and controlled by him to inflate purchases, avail fake GST credits and to generate cash. The modus operandi which was adopted by the assessee for bogus billing (inflation of purchases), payment to various entities of Shri Sanjay Jain through RTGS and the receipt of cash from Shri Sanjay Jain has been elaborately discussed by the AO and the same has been admitted by the appellant. The appellant admitted that all the purchases made by it from the entities managed and controlled by Shri Sanjay Jain were bogus and it had claimed fake input tax credit from such purchases. The appellant also admitted that cash received in lieu of RTGS payments made to the said fake entities after deduction of commission @3% from the entry providers. It is also not in dispute that the appellant reversed purchases made by it through these entities and declared additional income in the return filed u/s 153A for the AYs 2019-20 and 2020-21 as under:

AY	Amount (Rs.)
2019-20	93,55,94,161/-

2020-21	6,13,73,201/-
Total	99,69,67,362/-

5.1 Further from order of assessment for assessment year 2019-20 placed before Learned CIT(A) and also before us, CIT(A) observed that the, AO in the assessment order for AY 2019-20 that the assessee has made RTGS payments of Rs. 47,63,99,180/- and generated cash. Even in said order of assessment the AO has mentioned that the assessee company has taken bills of bogus purchases from Sanjay Jain entities amounting to Rs. 93,55,94,161/- and surrendered the same in the return of income filed by it for the AY 2019-20 as under (refer para 79 of the order):

Sl. No.	Party Name	F.Y. 18-19
1	Shri Lakshmi Associates (Billing)	20,29,21,397/-
2	Mahaveer Associates (Billing)	23,34,75,280/-
3	Jain Cement Udyog (Billing)	24,63,11,930/-
4	Forever Exim India (P) Ltd.	25,25,87,355/-
	Grand Total	93,55,95,963/-

The Assessing Officer further discussed in detail at para 7.2 of the order of assessment for AY 2019-20 that the assessee has made RTGS

payment amounting to Rs. 47,63,99,180/- from its bank account maintained at Punjab National Bank as under:

<u>Amount</u>	<u>Party Name</u>	<u>Month</u>
20,00,000	JAIN CEMENT UDYOG	Apr-18
20,00,000	JAIN CEMENT UDYOG	May-18
30,00,000	MAHAVEER ASSOCIATES	May-18
20,00,000	JAIN CEMENT UDYOG	May-18
40,00,000	FOREVER EXIM INDIA PVT. LTD.	May-18
25,00,000	FOREVER EXIM INDIA PT. LTD.	May-13
15,00,000	FOREVER EXIM INDIA PVT. LTD.	May-18
25,00,000	FOREVER EXIM INDIA PT. LTD.	Jun-18
22,00,000	FOREVER EXIM INDIA PVT. LTD.	Jul-18
43,00,000	FOREVER EXIM INDIA PVT. LTD.	Aug-18
40,00,000	JAIN CEMENT UDYOG	Aug-18
38,65,600	MAHAVEER ASSOCIATES	Aug-18
12,00,000	FOREVER EXIM INDIA PVT. LTD.	Aug-18
19,00,000	FOREVER EXIM INDIA PVT. LTD.	Aug-18
25,00,000	JAIN CEMENT UDYOG	Aug-18
10,00,000	MAHAVEER ASSOCIATES	Aug-18

50,00,000	JAIN CEMENT UDYOG	Aug-18
13,00,000	FOREVER EXI INDIA, PUT. LTD.	Sep-18
40,00,000	FOREVER EXIM INDIA PVT. LTD.	Oct-18
30,00,000	MAHAVEER ASSOCIATES	Oct-18
30,00,000	SHRI LAKSHMI ASSOCIATES	Oct-18
25,00,000	FOREVER EXIM INDIA PUT. LTD.	Oct-18
35,00,000	JAIN CEMENT UDYOG	Oct-18
20,00,000	MAHAVEER ASSOCIATES	Oct-18
20,00,000	SHRI LAKSHMI ASSOCIATES	Oct-18
25,00,000	FOREVER EXIM INDIA PVT. LTD.	Oct-18
25,00,000	JAIN CEMENT UDYOG	Oct-18
30,00,000	MAHAVEER ASSOCIATES	Oct-18
20,00,000	SHRI LAKSHMI ASSOCIATES	Oct-18
25,00,000	FOREVER EXIM INDIA PVT. LTD.	Oct-18
25,00,000	JAIN CEMENT UDYOG	Oct-18
25,00,000	MAHAVEER ASSOCIATES	Oct-18
25,00,000	SHRI LAKSHMI ASSOCIATES	Oct-18
25,00,000	JAIN CEMENT UDYOG	Oct-18
25,00,000	SHRI LAKSHMI ASSOCIATES	Oct-18

30,00,000	FOREVER EXIM INDIA PVT. LTD	Oct-18
20,00,000	MAHAVEER ASSOCIATES	Oct-18
25,00,000	SHRI LAKSHMI ASSOCIATES	Oct-18
19,00,000	JAIN CEMENT UDYOG	Oct-18
20,00,000	MAHAVEER ASSOCIATES	Oct-18
30,00,000	FOREVER EXIM INDIA PVT. LTD	Oct-18
15,00,000	JAIN CEMENT UDYOG	Oct-18
15,00,000	FOREVER EXIM INDIA PVT. LTD.	Oct-18
12,00,000	MAHAVEER ASSOCIATES.	Oct-18
15,00,000	FOREVER EXIM INDIA PVT.LTD.	Oct-18
22,00,000	JAIN CEMENT UDYOG	Oct-18
13,50,000	JAIN CEMENT UDYOG	Oct-18
15,00,000	MAHAVEER ASSOCIATES	Oct-18
13,00,000	FOREVER EXIM INDIA PVT. LTD.	Oct-18
16,00,000	JAIN CEMENT UDYOG	Oct-18
20,00,000	MAHAVEER ASSOCIATES	Oct-18
15,30,000	JAIN CEMENT UDYOG	Oct-18
16,00,206	MAHAVEER ASSOCIATES	Oct-18
23,90,000	FOREVER EXIM INDIA PVT. LTD.	Oct-18

26,10,000	JAIN CEMENT UDYOG	Oct-18
17,00,000	FOREVER EXIMINDIA PVT. LTD.	Oct-18
17,00,000	JAIN CEMENT UDYOG	Oct-18
16,50,000	FOREVER EXIM INDIA PVT. LTD.	Nov-18
14,00,000	MAHAVEER ASSOCIATES	Nov-18
19,50,000	JAIN CEMENT UDYOG	Nov-18
20,00,000	MAHAVEER ASSOCIATES	Nov-18
10,00,000	FOREVER EXIM INDIA PVT. LTD.	Nov-18
20,00,000	MAHAVEER ASSOCIATES	Nov-18
15,00,000	FOREVER EXIM INDIA PVT. LTD.	Nov-18
19,00,000	JAIN CEMENT UDYOG	Nov-18
20,00,000	MAHAVEER ASSOCIATES	Nov-18
15,00,000	FOREVER EXIM INDIA PVT. LTD.	Nov-18
20,00,000	JAIN CEMENT UDYOG	Nov-18
15,00,000	MAHAVEER ASSOCIATES	Nov-18
20,00,000	JAIN CEMENT UDYOG	Nov-18
15,00,000	MAHAVEER ASSOCIATES	Nov-18
11,00,000	FOREVER EXIMINDIA PVT. LTD.	Nov-18
18,00,000	JAIN CEMENT UDYOG	Nov-18

15,00,000	JAIN CEMENT UDYOG	Nov-18
25,00,000	MAHAVEER ASSOCIATES	Nov-18
12,88,374	FOREVER EXIM INDIA PUT. LTD.	Nov-18
14,00,000	JAIN CEMENT UDYOG	Nov-18
15,00,000	FOREVER EXIM INDIA PYT. LTD.	Nov-18
25,00,000	JAIN CEMENT UDYOG	Nov-18
10,00,000	JAIN CEMENT UDYOG	Nov-18
25,00,000	MAHAVEER ASSOCIATES	Nov-18
27,00,000	JAIN CEMENT UDYOG	Nov-18
20,00,000	JAIN CEMENT UDYOG	Nov-18
20,00,000	MAHAVEER ASSOCIATES	Nov-18
15,00,000	JAIN CEMENT UDYOG	Dec-18
19,00,000	MAHAVEER ASSOCIATES	Dec-18
16,00,000	FOREVÉR EXIM INDIA PVT. LTD.	Dec-18
21,00,000	MAHAVEER ASSOCIATES	Dec-18
21,00,000	FOREVER EXIM INDIA PVT. LTD.	Dec-18
19,00,000	MAHAVEER ASSOCIATES	Dec-18
20,00,000	FOREVER EXIM INDIA PVT. LTD.	Dec-18
20,00,000	JAIN CEMENT UDYOG	Dec-18

20,00,000	JAIN CEMENT UDYOG	Dec-18
25,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
10,00,000	FOREVER EXIM INDIA PVT. LTD.	Dec-18
25,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
20,00,000	JAIN CEMENT UDYOG	Dec-18
20,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
15,00,000	FOREVER EXIM INDIA PVT. LTD.	Dec-18
25,00,000	MAHAVEER ASSOCIATES	Dec-18
35,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
25,00,000	JAIN CEMENT UDYOG	Dec-18
20,00,000	MAHAVEER ASSOCIATES	Dec-18
20,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
10,00,000	JAIN CEMENT UDYOG	Dec-18
20,00,000	MAHAVEER ASSOCIATES	Dec-18
12,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
15,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
15,00,000	JAIN CEMENT UDYOG	Dec-18
20,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
10,00,000	JAIN CEMENT UDYOG	Dec-18

15,00,000	SHRI LAKSHMI ASSOCIATES	Dec-18
14,00,000	FOREVER EXIM INDIA PVT. LID.	Dec-18
11,00,000	MAHAVEER ASSOCIATES	Dec-18
10,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
10,00,000	JAIN CEMENT UDYOG	Jan-19
10,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19
23,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
15,00,000	MAHAVEER ASSOCIATES	Jan-19
17,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19
15,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
15,00,000	MAHAVEER ASSOCIATES	Jan-19
14,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19
16,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
20,00 900	MAHAVEER ASSOCIATES	Jan-19
25,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
27,00,000	MAHAVEER ASSOCIATES	Jan-19
35,00,000	JAIN CEMENT UDYOG	Jan -19
10,00,000	MAHAVEER ASSOCIATES	Jan-19
20,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19

10,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
20,00,000	JAIN CEMENT UDYOG	Jan-19
20,00,000	MAHAVEER ASSOCIATES	Jan-19
30,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19
15,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
8,00,000	MAHAVEER ASSOCIATES	Jan-19
15,00,000	JAIN CEMENT UDYOG	Jan-19
15,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19
20,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
29,75,000	MAHAVEER ASSOCIATES	Jan-19
20,00,000	SHRI LAKSHMI ASSOCIATES	Jan-19
20,00,000	FOREVER EXIM INDIA PVT. LTD.	Jan-19
22,00,000	JAIN CEMENT UDYOG	Jan-19
18,00,000	MAHAVEER ASSOCIATES	Jan-19
25,00,000	SHRILAKSHMI ASSOCIATES	Jan-19
25,00,000	FOREVER EXIM INDIA PVT. LTD.	Feb-19
15,00,000	JAIN CEMENT UDYOG	Feb 12
15,00,000	MAHAVEER ASSOCIATES	Feb-19
30 00,000	SHRI LAKSHMI ASSOCIATES	Feb-19

21,00,000	FOREVER EXIM INDIA PVT. LTD:	Feb-19
24,00,000	JAIN CEMENT UDYOG	Feb-19
20,00,000	MAHAVEER ASSOCIATES	Feb-19
29,00,000	SHRI LAKSHMI ASSOCIATES	Feb-19
20,00,000	FOREVER EXIM INDIA PVT. LTD.	Feb-19
25,00,000	JAIN CEMENT UDYOG	Feb-19
25,00,000	MAHAVEER ASSOCIATES	Feb-19
30,00,000	SHRI LAKSHMI ASSOCIATES	Feb-19
25,00,000	FOREVER EXIM INDIA PUT. LTD.	Feb-19
23,00,000	JAIN CEMENT UDYOG	Feb-19
27,00,000	MAHAVEER ASSOCIATES	Feb-19
10,00,000	JAIN CEMENT UDYOG	Feb-19
15,00,000	SHRI LAKSHMIASSOCIATES	Feb-19
20,00,000	FOREVER EXIM INDIA PVT. LTD:	Feb-19
15,00,000	SHRI LAKSHMLASSOCIATES	Feb-19
17,00,000	FOREVER EXIM INDIA PVT LTD.	Feb-19
18,00,000	JAIN CEMENT UDYOG	Feb-19
25,00,000	FOREVER EXIM INDIA PVT. LTD.	Feb-19
15,00,000	MAHAVEER ASSOCIATES	Feb-19

18,00,000	JAIN CEMENT UDYOG	Feb-19
12,00,000	SHRI LAKSHMI ASSOCIATES	Feb-19
25,00,000	JAIN CEMENT UDYOG	Feb-19
21,00,000	MAHAVEER ASSOCIATES	Feb-19
15,00,000	FOREVER EXIM INDIA PUT. LTD.	Feb-19
18,00,000	JAIN CEMENT UDYOG	Feb-19
30,00,000	MAHAVEER ASSOCIATES	Feb-19
20,00,000	SHRI LAKSHMI ASSOCIATES	Feb-19
35,00,000	FOREVER EXIM INDIA PUT. LTD.	Feb-19
15,00,000	MAHAVEER ASSOCIATES	Feb-19
23,00,000	JAIN CEMENT UDYOG	Feb-19
22,00,000	SHRI LAKSHMI ASSOCIATES	Feb-19
20,00,000	FOREVER EXIM INDIA PVT. LTD.	Mar-19
25,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
14,00,000	FOREVER EXIM INDIA PUT. LTD.	Mar-19
19,00,000	JAIN CEMENT UDYOG	Mar-19
12,00,000	JAIN CEMENT UDYOG	Mar-19
15,00,000	MAHAVEER ASSOCIATES	Mar-19
17,90,000	FOREVER EXIM INDIA PVT. LTD.	Mar-19

15,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
12,00,000	JAIN CEMENT UDYOG	Mar-19
10,00,000	MAHAVEER ASSOCIATES	Mar-19
21,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
10,00,000	FOREVER EXIM INDIA PVT. LTD.	Mar-19
15,00,000	JAIN CEMENT UDYOG	Mar-19
10,00,000	MAHAVEER ASSOCIATES	Mar-19
15,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
30,00,000	FOREVER EXIM INDIA PVT. LTD.	Mar-19
35,00,000	JAIN CEMENT UDYOG	Mar-19
37,00,000	MAHAVEER ASSOCIATES	Mar-19
40,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
55,00,000	FOREVER EXIM INDIA PT. LTD:	Mar-19
45,00,000	JAIN CEMENT UDYOG	Mar-19
60,00,000	MAHAVEER ASSOCIATES	Mar-19
40,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
72,00,000	FOREVER EXIM INDIA PUT LTD.	Mar-19
78,00,000	JAIN CEMENT UDYOG	Mar-19
74,00,000	MAHAVEER ASSOCIATES	Mar-19

76,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19
46,00,000	FOREVER EXIM INDIVI-LTD:	Mar-19
48,00,000	JAIN CEMENT UDYOG	Mar 19
54,00,000	MAHAVEER ASSOCIATES	Mar-19
52,00,000	SHRI LAKSHMI ASSOCIATES	Mar-19

5.2 Apart thereof Learned CIT(A) noted from impugned order of assessment that dates of labels on cash bundles found at the assessee's premises pertains to financial year 2018-19 relevant to assessment year 2019-20. In view of these facts Learned CIT(A) has deleted the addition by holding as under:

“8.9 On perusal above two tables and the labels on cash bundles as cited by the AO in the assessment orders, it is observed that the appellant has made RTGS payments to the entry providing entities in FY 2018-19 amounting to Rs. 47,63,99,180/ - and generated cash. The cash found at the premise also have date labels pertaining to F.Y 2018-19 indicating that the cash was withdrawn from the bank in the FY 2018-19. The appellant has pointed out that out of 76 bundles which have been quoted by the Assessing Officer in the order, 49 bundles, pertained to FY 2018-19 only. It is further noted that dates in 19 bundles pertain to March, 2019. In these circumstances, it cannot be said that the cash found at the premises corresponded to RTGS made in AY 2020-21 and 2021-22 only and none of the cash pertained to AY 2019-20. The decision of AO limiting the benefits of cash only to RTGS made on or after 01.04.2019 appears to be without any logic and against the evidences referred by himself in the assessment order. I find no pliable reasons to uphold the cutoff date of 01.04.2019 adopted by the AO, when evidences brought on record by the AO show that the cash generated period prior to 01.04.2019 was also available at the premise. Accordingly, I find that the source of excess cash of Rs. 12,70,19,059/- worked out by the AO stands explained by the cash generated by the appellant from

RTGS payments made in AY 2019. Therefore addition made by the AO is held to be unsustainable and is deleted.”

6 Having regard to the aforesaid facts, we are of the opinion that it is not in dispute that the assessee was engaged in activities of incurring bogus expenses through entities controlled by one Sh. Sanjay Jain, whereby assessee firstly made RTGS to said entities in lieu of bogus bills and thereafter received cash back after deduction of commission by those entities. Learned AO, for source of cash found during the course of search amounting to Rs. 60,98,07,600, has accepted the generation of cash through bogus billing for assessment year 2020-21 and 2021-22 however has not granted the benefit of cash generated during the assessment year 2019-20. Learned CIT(A) on perusal of order of assessment for assessment year 2019-20, having regard to identical activities generating cash, surrender by reversing the cash purchases for sum of Rs. 93,55,94,161/- for which RTGS of Rs. 47,63,99,180/- was made to entities controlled by Shri Sanjay Jain, has accepted the contention of the appellant that remaining cash aggregating to Rs. 12,70,19,059/- pertains to assessment year 2019-20 and has deleted the addition made by Learned AO. To fortified his decision, Learned CIT(A) further relied upon finding from impugned order of assessment that even dates of labels on some cash bundles found at the assessee's premises to financial year 2018-19 relevant to assessment year 2019-20. In view of these facts and circumstances we find the order of learned CIT(A) is just and proper, so as not to warrant inference, more particularly once bogus purchases has already been reversed by assessee itself in return of income and has been accepted by the Learned Assessing Officer. Thus,

this appeal filed by the revenue is found to be devoid of any merit and thus, dismissed.

7. The appeal of the revenue is dismissed.

Order pronounced in the open court on 07.11.2025

Sd/-
(Naveen Chandra)
ACCOUNTANT MEMBER

Sd/-
(Madhumita Roy)
JUDICIAL MEMBER

Dated 07.11.2025
Rohit, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI