

**INCOME TAX APPELLATE TRIBUNAL  
AGRA BENCH "DB": AGRA  
BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER  
AND  
SHRI SUNIL KUMAR SINGH , JUDICIAL MEMBER  
(Through virtual hearing)**

**ITA No. 320/AGR/2025  
(Assessment Year: 2019-20)**

Anju Agarwal, D-26, Kamla Nagar, Agra (Appellant) <b>PAN: AWTPA4297L</b>	Vs.	Income Tax Officer, Ward-2(1)(1), Agra (Respondent)
--	-----	--

Assessee by :	Shri K. K. Jain, Adv
Revenue by:	Shri Anil Kumar, Sr. DR
Date of Hearing	16/09/2025
Date of pronouncement	04/12/2025

**ORDER**

**PER M. BALAGANESH, A. M.:**

1. The appeal in ITA No. 320/AGR/2025 for AY 2019-20, arises out of the order of the National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'ld. NFAC', in short] dated 06.06.2025 against the order of assessment passed u/s 147 r.w.s. 144B of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') dated 23.03.2024 by the Assessing Officer, NFAC, Delhi (hereinafter referred to as 'ld. AO').

2. The Assessee has raised the following grounds of appeal before us:-

*"1. Because the proceedings u/s 148A(b) as well as order passed u/s 148A(d) and consequential notice issued u/s 148 of the Act is bad in law and facts of the case.*

*2. Because the failure of PCTT to satisfactorily record its concurrence and granting of approval u/s 151 of the Act for reopening of assessment without application of mind invalidates the order issued u/s 148A(d) of the Income Tax Act*

*3. Because the appellant had not maintained any books of account and there was no credit of Rs. 49,98,136, the provisions of section 68 of the Act have been wrongly and illegally been invoked by NFAC for alleged credit and the Ld. CIT(A) has erred in confirming the addition*

*4. Because the accommodation entry provider confessed that he had no business and has no sale purchase and provided accommodation entry through bank transaction and the appellant had received only Rs.3,63,751/- through bank transaction duly shown in the return of income and accepted by NFAC in the assessment completed, the NFAC erred in making addition of Rs.49,98,136/- u/s 68 consequently the order of Ld. CIT(A) as sustained is not sustainable in view of the facts, records and circumstances of the case.*

*5. Because the addition made by AO and sustained by id: CIT(A) relying on the pre-existing statement of Shri Ashok Kumar Gupta without any process of examination by the AO and cross examination by the appellant is bad on facts and law,*

*6. Because the Ld.CIT(A) has erred in dismissing the appeal without considering the facts and judgment of Hon'ble ITAT Agra Bench passed in appellant's own case on identical issue in respect of assessment year 2017-18 and 2018-19 duly placed on record.*

*7. Because the Ld.CIT(A) while dismissing the appeal failed to consider that on identical facts, accommodation entry provided by the same person through bank transaction has been accepted by NFAC, Delhi, wherein no addition u/s 68 of the Act was made for receiving accommodation entry for bogus sale, in other cases and copies of assessment order was duly placed on record.*

*8. Because the appellant craves leave to add, subtract, amend or modify any grounds of appeal at the time hearing."*

3. We have heard the rival submissions and perused the materials available on record. The return of income for the assessment year 2019-20 was filed by the Assessee on 27-08-2019 declaring total income of Rs. 6,36,970/-. As per the return, the Assessee is doing wholesale business. A survey action was conducted under Section 133A of the Act in the case of Ashok Kumar Gupta, Sandeep Gupta and Anuj Gupta, Delhi on 30-11-2018. During the survey proceedings, it was found that they were engaged

in providing accommodation entries of non-genuine purchases and non-genuine sales to various parties. Mr. Ashok Gupta admitted in his statement given during the survey that he has given both purchase and sale related accommodation entries through his entities to various persons during financial year 2012-13 and subsequent financial years. The Assessee had transactions with one of the entities of Ashok Gupta M/s Kalki Trading Company and accordingly, the said transaction was sought to be treated as accommodation entry and brought to tax as unexplained income in the hands of the Assessee. For this purpose, show-cause notice under Section 148A(b) was issued to the Assessee on 2-3-2023 by the Learned Jurisdictional Assessing Officer (JAO). The Assessee furnished reply to the said show-cause notice stating that she had received net amount of Rs 3,63,751/- (388751 -25000) from Kalki Trading Company and the same had been duly offered to tax as business income in the return. The Assessee also furnished the copy of ledger account of Manohar Lal Pooran Chalnd Dall Mill and Bank Statement before the Learned JAO in response to the show cause notice issued under section 148A(b) of the Act. The Assessee denied having any transaction for Rs 49,98,136/- as stated in the show cause notice under section 148A(b) of the Act. The Learned JAO found the reply to be unacceptable and proceeded to pass an order under Section 148A(d) of the Act dated 27-3-2023. Accordingly, notice under Section 148 of the Act stood issued to the Assessee on 27-3-2023 after taking prior approval under Section 151 of the Act from the competent authority. The reassessment stood completed under Section 147 r.w.s. 144B of the Act on 23-3-2024 determining total income of the Assessee at Rs. 56,35,106/- after making an addition of Rs. 49,98,136/-, which stood upheld by the Learned NFAC.

4. At the outset, we find that the identical issue had been adjudicated by this Tribunal in Assessee's own case for the assessment years 2017-18 and 2018-19 in ITA Nos. 418 & 419/Agr/2024 respectively dated 23-04-2025 wherein the additions were deleted. In those years, the transactions of the Assessee were with M/s Umesh Kumar Vivek Kumar (managed by Shri Ashok Kumar Gupta). But during this year, the transactions of the Assessee were with M/s Kalki Trading Company (managed by Shri Ashok Kumar Gupta). The relevant observations of the Tribunal for the assessment year 2017-18 are reproduced below:-

*"1. Aforesaid appeals by assessee for Assessment Years (AY) 2017-18 and 2018-19 arise out of separate orders of first appellate authority. First, we take up appeal for AY 2017-18 which arises out of an order passed by learned Commissioner of Income Tax (Appeals), NFAC, Delhi [CIT(A)] on 30-09-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 147 r.w.s. 144B of the Act on 11-02-2022. The assessee is stated to be engaged in trading of food-grains. In the assessment order, Ld. AO alleged that the assessee obtained accommodation purchase entry from M/s Umesh Kumar Vivek Kumar (managed by Shri Ashok Kumar Gupta) for Rs.53.43 Lacs. The assessee did not carry out any other transaction with any other entity. The Ld. AO, after adjusting returned income of Rs.3.81 Lacs, added the differential of Rs.49.62 Lacs to the income of the assessee u/s 68 r.w.s. 115BBE. The Ld. CIT(A) confirmed the assessment against which the assessee is in further appeal before us.*

*2. From the case records, it emerges that the assessee has carried on food-grain business through aartia M/s Umesh Kumar Vivek Kumar prop. Shri Vivek Kumar Gupta. For the said purpose, the assessee advanced certain sum to that entity and that entity, in turn, purchased the goods first and then sold the goods on behalf of the assessee. The assessee has neither taken the delivery of the goods nor sold the goods and all the transactions of sale and purchase has been done by that entity only. No purchase / sale consideration has been paid to/from the aartia. The assessee has only received net surplus of Rs.3.81 Lacs which has duly been disclosed in the return of income. On these facts, no allegation of bogus sale or purchase could be sustained against the assessee. Accordingly, by deleting the impugned addition, we allow the appeal on merits. Delving into other grounds has been rendered mere academic in nature. The appeal stand allowed."*

5. We find that the facts and circumstances are exactly identical during the year under consideration except with variance in the name of the party and figures. Respectfully following the aforesaid Tribunal decision in Assessee's own case, we hold that there is no case for making any addition in the hands of the Assessee in the sum of Rs 49,98,136/-. Accordingly, the grounds raised by the Assessee on merits are allowed.

6. Since the relief is granted to the Assessee on merits of the addition, the legal grounds raised by the Assessee are left open.

7. In the result, the appeal of the Assessee is allowed.

Order pronounced in the open court on 04/12/2025.

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

-Sd/-  
**(M. BALAGANESH)**  
**ACCOUNTANT MEMBER**

Dated:04/12/2025  
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR  
ITAT, New Delhi