

आयकर अपीलीय अधिकरण न्यायपीठ “एक-सदस्य” मामला रायपुर में

**IN THE INCOME TAX APPELLATE TRIBUNAL
RAIPUR BENCH “SMC”, RAIPUR**

**श्री पार्थ सारथी चौधरी, न्यायिक सदस्य के समक्ष
BEFORE SHRI PARTHA SARATHI CHAUDHURY, JUDICIAL MEMBER**

आयकर अपील सं./ITA No.68/RPR/2026

निर्धारण वर्ष / Assessment Year : 2016-17

M/s. Jai Shankar Food and Wood Pvt. Ltd.
1, Chhanta Road, Nawapara, Rajim,
Raipur-493 881 (C.G.)
PAN: AABCJ5236F

.....अपीलार्थी / Appellant

बनाम / V/s.

The Income Tax Officer-1(1),
Raipur (C.G.)

.....प्रत्यर्थी / Respondent

Assessee by : None
Revenue by : Dr. Priyanka Patel, Sr. DR

सुनवाई की तारीख / Date of Hearing : 05.03.2026

घोषणा की तारीख / Date of Pronouncement : 05.03.2026

आदेश / ORDER**PER PARTHA SARATHI CHAUDHURY, JM**

The present appeal preferred by the assessee emanates from the order of the Ld.CIT(Appeals)/NFAC, Delhi dated 10.11.2025 for the assessment year 2016-17 as per the grounds of appeal on record.

2. At the time of hearing none appeared for the assessee nor any adjournment petition has been filed. The matter is heard after recording the submissions of the Ld. Sr. DR and on a careful perusal of the materials available on record.

3. The brief facts in this case are that as per the information available with the Department, the assessee had received accommodation entries in guise of bogus purchases of Rs.45,79,000/-. Therefore, proceedings u/s. 147 of the Income Tax Act, 1961 (for short 'the Act') were initiated and notice u/s. 148 of the Act was issued to the assessee on 26.07.2022. In response to the said notice, the assessee filed its return of income on 14.02.2023 declaring total income at Rs.1,39,590/-. Assessment was completed u/s. 147 r.w.s. 144B of the Act dated 20.05.2023 wherein income of the assessee was assessed at Rs.47,18,590/- by making an addition of Rs.45,79,000/- on account of unexplained purchases u/s. 69C

of the Act. The Ld. CIT(Appeals)/NFAC had upheld the addition made by the A.O and dismissed the appeal.

4. The Ld. Sr. DR submitted that the issue involved in the present appeal is no more “Res-Integra” for the fact that it involves the issue of rice miller and bogus purchases which are sub-judice before the Hon’ble Jurisdictional High Court. She had submitted a list of the cases which are pending before the Hon’ble High Court as follows:-

“1. Keshari Rice Industries (ITA No. 410/RPR/2024 dt. 23.12.2024) for the Asstt. Year 2016-17.

2. Kishore Kumar Panjwani (378/RPR/2024 dt. 08.10.2024) for the Asstt. Year 2014-15.

3. Arvind Kumar Agrawal-(51/RPR/2025 dt. 18.03.2025) for the Asstt. Year 2015-16.

4. Sandeep Agrawal-MA. No. 22/RPR/2019 dated 28.05.2024 (Arising out of ITA No. 16/RPR/2016) for the Asstt. Year 2010-11.

5. Sudhir Kumar Bansal (Filed recently Limitation 11.12.2025)

6. Gurunanak Rice Industries - (ITA 370/RPR/2024 dt. 02.09.2024) for the Asstt. Year 2015-16.”

5. That on similar parameter, the **ITAT, SMC Bench, Raipur** in the case of **Vinod Kumar Agrawal Vs. ITO, Raipur, ITA No.630/RPR/2025, A.Y.2016-17, dated 11.12.2025** has held and observed as follows:

“2. Parties herein submitted that the issue pertains to the fact that the assessee herein is a rice miller and that as alleged by the Department he had obtained the benefit of bogus purchase bills from various agents and hence, the bogus purchase amount @ Rs.25% was added to the total income of the assessee. In this regard, Ld. Sr. DR submitted that this this issue of obtaining

benefits through bogus purchase bills by rice millers is sub-judice before the Hon'ble Jurisdictional High Court vide various cases filed before the said forum. She had submitted a list of the cases which are as follows:

“1. Keshari Rice Industries (ITA No. 410/RPR/2024 dt. 23.12.2024) for the Asstt. Year 2016-17.

2. Kishore Kumar Panjwani (378/RPR/2024 dt. 08.10.2024) for the Asstt. Year 2014-15.

3. Arvind Kumar Agrawal-(51/RPR/2025 dt. 18.03.2025) for the Asstt. Year 2015-16.

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5. Sudhir Kumar Bansal (Filed recently Limitation 11.12.2025)

6. Gurunanak Rice Industries - (ITA 370/RPR/2024 dt. 02.09.2024) for the Asstt. Year 2015-16.”

3. In this scenario, it would not be appropriate for this Bench to determine the facts and circumstances pertaining to the said additions on issue of procurement of bogus purchase bills by the assessee. At the same time, it would also not serve any logical purpose by keeping the matter pending at this level and therefore, it would be most appropriate that the said matter be remanded back to the file of the CIT(A)/NFAC and that the first appellate authority shall wait for the decision of the Hon'ble Jurisdictional High Court in the aforesaid matters on the issue stated herein, and thereafter shall adjudicate denovo as per law while complying with the principles of natural justice.

4. That even without going into the merits of the matter on consideration of facts that the effective issue in this matter is already subjudice before the Hon'ble Jurisdictional High Court, the same is therefore, restored to the file of the CIT(A)/NFAC, as per the aforesaid directions. The order of CIT(A)/NFAC is set-aside accordingly.

5. Before parting, it is made clear that this remanding of the matter to the file of the CIT(A)/NFAC shall not alter/amend any factual scenario pertaining to the case of the assessee. The facts and circumstances of the case and the point of law has to be decided afresh only after the decision by the Hon'ble Jurisdictional High Court as per its order, which shall be the main guideline while deciding this case by the first appellate authority.

6. As per the above terms, the grounds of appeal by the assessee stands allowed for statistical purposes.

8. In the result, the appeal of the assessee is allowed for statistical purposes.”

6. Respectfully following the aforesaid judicial pronouncement, on same parity of reasoning and while maintaining rule of consistency as per similar terms, I set aside the order of the Ld. CIT(Appeals)/NFAC and remand the matter back to its file with similar direction as recorded in ITA No.630/RPR/2025 (supra).

7. In the result, appeal of the assessee is allowed for statistical purposes.

Order pronounced in open court on 05th day of March, 2026.

Sd/-

(PARTHA SARATHI CHAUDHURY)

न्यायिक सदस्य/JUDICIAL MEMBER

रायपुर / Raipur; दिनांक / Dated : 05th March, 2026.

SB, Sr. PS

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT-1, Raipur (C.G.)
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “एक-सदस्य” बेंच,
रायपुर / DR, ITAT, “SMC” Bench, Raipur.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, रायपुर / ITAT, Raipur