

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'D', NEW DELHI**

**BEFORE SHRI J. SUDHAKAR REDDY, ACCOUNTANT MEMBER  
AND SHRI C.M.GARG, JUDICIAL MEMBER**

**ITA No. 597/Del/2014  
AY: 2005-06**

DCIT, Circle 6(1)  
Room no.413, C.R.bldg.  
I.P.Estate  
New Delhi

vs. Madhukar Estate Pvt.Ltd.  
D 115, 1<sup>st</sup> Floor  
Defence Colony  
New Delhi 110 024

PAN: AADCM 8731 G

**(Appellant)**

**(Respondent)**

**Appellant by** : Sh.Ashis Mohanty, Sr.D.R.

**Respondent by** : Sh.Sankalp Sharma, Adv.

**ORDER**

**PER J.SUDHAKAR REDDY, A.M.**

This is an appeal filed by the Revenue directed against the order of Ld.CIT(A)-IX, New Delhi dated 6.11.2013 pertaining to the A.Y. 2005-06 on the following grounds.

*“1. Whether on the facts and circumstances of the case and in law, the Ld.CIT(A) erred in deleting the addition of unexplained share application money from an entry operator completely ignoring the findings of the Hon’ble Delhi High Court in cases like CIT vs. Nova Promoters reported in 342 ITR 169, CIT vs. NR Portfolio (2013) 29 taxman..com 291 (Delhi), CIT vs. Tarika Properties (ITA no.2080/2010, dt. 28.11.2013) etc. Wherein the Hon’ble Delhi High Court has clearly held that reopening of assessment is justified in case of information received from the Investigation Wing and the onus is on the assessee to establish identity and credit worthiness of creditors and genuineness of transactions.*

*2. That the order of the Ld.CIT(A) is erroneous and is not tenable on facts and in law.*

*3. That the appellant craves leave to add, alter, amend or forgo any grounds of appeal either before or at the time of hearing of the appeal.”*

2. We have heard Sh. Ashis Chander Mohanty, Ld.Sr.D.R. on behalf of the Revenue and Shri Sankalp Sharma, Ld.Counsel for the assessee.

3. After hearing rival contentions we find that the Ld.CIT(Appeals) has quashed the reopening of assessment. This has been discussed from para 5.1 to 5.6 of his order. Thereafter he granted relief to the assessee on merits also.

4. In the grounds of appeal the Revenue has not challenged the order of the Ld.CIT(A) holding that the reopening is bad in law. Under these circumstances we have to necessarily dismiss this appeal of the Revenue, no purpose would be served by adjudicating the merits of this case.

5. In the result Revenue's appeal is dismissed.

Order pronounced in the Open Court on 30<sup>th</sup> November,2015.

Sd/-  
**(C.M.GARG)**  
**JUDICIAL MEMBER**

Sd/-  
**(J.SUDHAKAR REDDY)**  
**ACCOUNTANT MEMBER**

Dated: the 30<sup>th</sup> November, 2015

*\*manga*

Copy of the Order forwarded to:

1. Appellant;
2. Respondent;
3. CIT;
4. CIT(A);
5. DR;
6. Guard File

By Order

Asst. Registrar