IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

INCOME TAX APPEAL NO. 45 OF 2010

(The Commissioner of Income Tax-III, Nagpur Vs. Puranlal Agrawal (HUF) through Lrs. Smt. Sitadevi & others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Shri S. N. Bhattad, Advocate for the appellant.
Shri K. P. Dewani, Advocate for the respondents.

CORAM : B. P. DHARMADHIKARI AND P. N. DESHMUKH, JJ.
DATED : 09 OCTOBER, 2015

Heard.

2. During proceedings under Section 153A read with Section 143(3) of the Income Tax Act for the assessment year 1999-2000, a long term capital gain earned by assessee on the sale of jewellery was accepted. Commissioner of Income Tax, after examining records and making enquiries through Director of Investigation, Ahmedabad, doubted existence of purchaser, namely M/s Arihant Jewellery/jewellers, Ahmedabad. It, accordingly, reopened the issue.

3. The assessee approached Income Tax Appellate Tribunal against said order dated 23/3/2009. ITAT, in paragraph-12, has found that insofar as existence of said concern at Raipur is concerned, the

issue stood conclude because of order of the Tribunal in case of *Smt. Sudha Shyam Agrawal* (ITSSA No.73/Nag/2005 & ITSSA No.64/Nag/2005). The ITAT found that existence of M/s Arihant Jewellers at Raipur was very much established and assessee had sold jewellery to it. In the light of this material, it found recourse to Section 263 of the Act unjustified.

4. The facts looked into by ITAT are not in dispute. In paragraph-25 ITAT has expressly mentioned that its decision in case of one of the assessees involving M/s Arihant Jewellers was already accepted by the Department.

5. It is, therefore, seen that no substantial question of law can be said to arise in the light of these facts concluded by the ITAT.

The appeal is rejected. No costs.

JUDGE **JUDGE**