IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-407-2014 (O&M)
Date of decision:- 19.03.2015

Commissioner of Income Tax, Faridabad
...Appellant

Versus

M/s Srajan Buildtech Pvt. Ltd.
...Respondent

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Tajender K. Joshi, Advocate,
for the appellant.

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S.J. VAZIFDAR, A.C.J. (ORAL)

CM-25606-CII-2014

This is an application for condoning 344 days' delay in re-filing the appeal.

For the reasons mentioned in the application, the delay of 344 days in re-filing the appeal is condoned.

Disposed of.

ITA-407-2014

This is an appeal against the order dated 22.02.2013 of the Income Tax Appellate Tribunal dismissing the appellant's appeal against the order of the CIT (Appeals). The assessment pertains to the assessment year 2006-2007. The respondent has two share holders. The issued subscribed and paid up capital is ₹ 1 lac. ₹ 50 lacs were advanced by seven companies by cheques as the share capital. The A.O. issued notice under Section 133(6) and sought information regarding the advances aggregating to ₹ 50 lacs. The A.O. came to the conclusion that these were mere accommodation entries. It was contended before us that these were amounts that belonged to the respondent/assessee and were routed back to the respondent through the seven entities.

2. The CIT (Appeals) and the Income Tax Appellate Tribunal have come to the conclusion against the appellant. It is observed for instance there was no material that established that the entries were mere accommodation entries. They relied upon the written confirmations of the seven companies alongwith the PAN and bank statements and the fact that payments had been made through cheques. On the other hand, the appellant relies upon the fact that some of these seven companies had not responded to the notice.

3. The matter, therefore, turns essentially on facts. The CIT (Appeals) and the ITAT relied upon the relevant material. They did not rely upon irrelevant facts in coming to the conclusion.

No question of law, therefore, arises. The findings cannot be said to be perverse.

4. The appeal is, therefore, dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

19.03.2015
Amodh