IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDITION

INCOME TAX APPEAL NO.1730 OF 2014

The Commissioner of Income Tax, Central II ... **Appellant**
V/s.
Dhanraj Mills P. Ltd. ... **Respondent**

.....

Ms.Ashok Kotangle with Mrs.Padma Divakar, Advocate for the Appellant.

Mr.Mandar Vaidya, Advocate for the Respondent.

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CORAM : S.V.GANGAPURWALA & A.M.BADAR JJ.

DATED : 12th July 2017.

P.C.

1 The Appeal pertains to Assessment year 1991-92. The Revenue assails the Order of the Tribunal. Mr.Kotangle, the learned counsel for the Appellant strenuously contends that the Tribunal was not justified in confirming Appeal of the CIT Appeals and thus deleting the addition under Section 68 of the Act. According to the learned counsel, the Assessing Officer had correctly appreciated facts on record. The amount of loan of Mr.A.D.Narottamdas was properly added under Section 68 of the Act.

2 The learned counsel for the respondent supports the order.

3 Upon perusing the Judgment of the Tribunal, it is manifest that in the first round the Tribunal had given directions which had become final. While remitting the matter, it was directed that the Assessee has to show in the proceeding that the amount under reference is reflected in loan account of Shri.A.D.Narottamdas and thereafter no addition would be called for. It would be clear that the said amount is reflected in loan account of Shri.A.D.Narottamdas. The Commissioner (Appeals) have arrived at conclusion. In light of that Tribunal has also observed that the Revenue could not show any infirmity and the said finding of fact is not disputed.

4 In light of the above, the Judgment of the Tribunal cannot be faulted with. The appeal does not involve any substantial question of law.

5 As such, Appeal is dismissed.

6 No costs.

(A.M.BADAR J.) **(S.V.GANGAPURWALA J.)**