

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

I.T.T.A.No. 632 OF 2017

DATED 08TH NOVEMBER, 2017

Between:

The Commissioner of Income Tax (Central),
Hyderabad

... Appellant

AND

K.V.Ramakrishna Rao

.... Respondent

Counsel for the appellant : Sri J.V.Prasad

Counsel for the respondent : --

THE COURT MADE THE FOLLOWING

JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This appeal under Section 260-A of the Income Tax Act, 1961, arises out of common order dated 31-08-2009 on the file of the Income Tax Appellate Tribunal, Visakhapatnam Bench, Visakhapatnam, to the extent it pertains to I.T.A.No. 439/Vizag/2008.

2. At the hearing, Smt. M.Kiranmayee, learned counsel, representing Sri J.V.Prasad, learned senior standing counsel for Income Tax Department, fairly submitted that the same common order, which is subject matter of the present appeal, was questioned in I.T.T.A.Nos. 436, 442, 445, 450 and 452 of 2017 and a Division Bench of this Court dismissed the said appeals. She has placed before us a copy of order dated 18-07-2017 passed in the said appeals, wherein the Division Bench held as under:

"We find no perversity in the findings of the Tribunal. It is an admitted fact that the CBDT's own circular permits the adoption of the mode of accounting utilized by the respondent/assessee in the absence of books of accounts. When the Assessing Officer found no defect in the application of such mode of accounting, it was not open to him to dispense with the said method of accounting and adopt his own method basing on surmises. We therefore find no question of law, much less a substantial question of law, arising in these appeals.

The appeals are accordingly dismissed at the threshold. No order as to costs."

She fairly conceded that the issues raised in this appeal are covered by the aforementioned order.

3. In the light of the above, following the order dated 18-07-2017 in I.T.T.A.Nos. 436 and batch and for the same reasons as were assigned therein, this appeal is also dismissed.

C.V.NAGARJUNA REDDY, J.

CHALLA KODANDA RAM, J.

Date: 08-11-20-17.

JSK

