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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ ITA 27/2017 & CM No. 966/2017 (delay in re-filing)

PR.COMMISSIONER OF INCOME TAX-3 ..... Appellant

Through: Mr. Zoheb Hossain, Adv.

versus

EESHAAN AUTOMATION PVT. LTD ..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE NAJMI WAZIRI

<u>O R D E R</u>

% 10.01.2017

The Revenue in this appeal filed under Section 260A of the Income Tax Act, 1961 is aggrieved by an order of the ITAT reversing the findings of the CIT(A) and the Assessing Officer (AO). Upon re-assessment proceedings for AY 2004-05, certain amounts were sought to be added on the ground that the assessee had not made material disclosure with respect to receipt of inward remittances. Re-assessment notice was premised upon information received from another AO. The ITAT reversed the findings of the CIT(A) with respect to the addition under Section 68 of the Act. Relevant extracts from its order are as follows:

> *"....9. On the merits of the case we find that the assessee has submitted:*
>
> *(a) confirmation letters from Komori Corporation, Japan regarding receipts made to assessee company,*
>
> *(b) Statements showing reconciliation of receipts from Komori Corporation, Japan in the books of accounts of the assessee,*

(c) ledger a/cs from Komori Corporation in the books of the assessee,

(d) Invoices issued to M/s Komori Corporation and foreign inward remittance certificates from the City Bank with respect to the remittances received from Komori Corporation.

10. The Revenue has not been able to specifically point out as to what is the particular remittance made by M/s Komori Corporation, which has not been accounted for by the assessee. In spite of the repeated attempts by the assessee requesting for the details the assessee has not been furnished with the same. In our view the assessee has discharged the onus that lay on it by furnishing all the necessary documentary evidences and whereas the Revenue has failed in its duty to discharge the burden that lay on it. In the result the additions made in both the AYs are hereby deleted....”

It is quite evident from the discussion that in re-assessment proceedings all relevant details were in fact shown to the AO. Nothing on record, which points to the AO having made any inquiry with the remitter/ foreign company or taken any further steps to discredit the genuineness of the transaction or the creditworthiness of such remitter.

In these circumstances, the factual findings of the ITAT are reasonable and do not call for any interference. No substantial question of law arises. The appeal is, accordingly, dismissed.

S. RAVINDRA BHAT, J

NAJMI WAZIRI, J

JANUARY 10, 2017/kk