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

\+ ITA 98/2017

IFTIKHAR ALI KHAN ..... Appellant

Through Dr. Rakesh Gupta, Mr. Somil Agarwal, Mr. Rohit Kumar Gupta and Ms. Monika Ghai, Advs.

versus

COMMISSIONER OF INCOME TAX-11 ..... Respondent

Through Mr. Zoheb Hossain, Sr. Standing Counsel with Mr. Deepak Anand, Jr. Standing Counsel.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% **30.01.2018**

The question of law urged by the assessee in the appeal pertains to the issue of alleged non-appreciation of relevant facts and particularly, the arguments advanced with respect to the material on record.

The assessee was subjected to search on 16.8.2002. Substantial amount of cash was seized. Upon issuance of notice under Section 158BC of the Income Tax Act, 1961 ('the Act'), the assessee urged that he was engaged in the business of selling kites and that, during the relevant period i.e. 1.4.2002 to 16.8.2002, he had turnover of Rs.21,00,000/-. His inability to explain the cash seized led to the addition of that amount as well as some other amounts. The CIT (A) upon appeal, issued a remand order and after considering the remand report, confirmed the AO's decision. The ITAT did not interfere with the findings of the CIT(A).

The assessee argued that the evidence on record was not properly appreciated by the CIT(A) and that, the ITAT did not advert to the submissions made.

The impugned order as well as the order of CIT(A) plainly disclosed that the assessee was unable to account for the cash seized. Even if it was assumed that the assessee had some explanation, what is the matter of record is that he did not carry out the business through books of accounts; apparently, he also did not have any bank account.

Having regard to these circumstances, the Court is of the opinion that no substantial question of law arises. The appeal is therefore, dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JANUARY 30, 2018
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