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

\+ ITA 131/2018

PR. COMMISSIONER OF INCOME TAX (CENTRAL)-3, NEW DELHI ..... Appellant

Through: Mr. Asheesh Jain, Sr. Standing Counsel with Mr. Shahrukh Ejaz, Adv. for Income Tax Deptt.

versus

STC DEVELOPERS PVT. LTD. ..... Respondent

Through: Mr. Pranjal Srivastava, Adv.

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

O R D E R

% **06.02.2018**

The Revenue's appeal against the order of the ITAT is in respect of a search assessment, for A.Y. 2005-06. The search which led to the assessment under Section 153A of the Income Tax Act, 1961 (hereafter referred to as 'the Act') took place on 15.09.2008. The AO added ₹74 lakhs under Section 68 of the Act, in the hands of the assessee. The CIT(A) was of the opinion that since the genuineness of the transactions had been considered in the original assessment under Section 143(3) of the Act in view of the prevailing authorities, additions could not be made under Section 153A of the Act. By the time the appeal was taken up for hearing, this Court in *Commissioner of Income Tax v. Kabul Chawla* 380 ITR 573 (Del.), had confirmed that line of reasoning. Accordingly, the Appellate Commissioner's findings were confirmed. Since the concurrent appellate authority's findings are premised upon the circumstance that no incriminating material or fresh material was brought to light in the course of search and that the allegations culminating in the additions under Section 68 of the Act had been gone into earlier in the scrutiny assessment, this Court is of the opinion that no question of law arises, especially having regard to the ruling in *Kabul Chawla (supra).* The appeal is, therefore, dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 06, 2018
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