

\$~84, 85, 87 & 89

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

+ **ITA 680/2019**

THE PR. COMMISSIONER OF INCOME TAX -3 Appellant
Through Mr. Ruchir Bhatia, Advocate

versus

DU SECURITIES PVT. LTD. Respondent
Through None

+ **ITA 681/2019**

THE PR. COMMISSIONER OF INCOME TAX -3 Appellant
Through Mr. Ruchir Bhatia, Advocate

versus

DU SECURITIES PVT. LTD. Respondent
Through None

+ **ITA 683/2019**

THE PR. COMMISSIONER OF INCOME TAX -3 Appellant
Through Mr. Ruchir Bhatia, Advocate

versus

DU SECURITIES PVT. LTD. Respondent
Through None

+ **ITA 685/2019**

THE PR. COMMISSIONER OF INCOME TAX -3 Appellant
Through Mr. Ruchir Bhatia, Advocate

versus

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DU SECURITIES PVT. LTD.

..... Respondent

Through None

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

23.07.2019

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1. These appeals have been filed by the Revenue against the common order dated 23rd January, 2019 passed by the ITAT in ITA Nos. 487/Del/2015, 489/Del/2015, 485/Del/2015 & 486/Del/2015 for the Assessment Years 2007-2008, 2009-2010, 2005-2006 & 2006-2007 respectively. The short question sought to be urged by the Revenue is whether the ITAT has arbitrarily reduced the percentage of commission on the accommodation entries provided allegedly by the Assessee from 2.25 % to 0.5%.

2. A perusal of the impugned order of the ITAT shows that this is a second round of litigation. The ITAT has explained how the fixing of the percentage at 2.25% by the Assessing Officer was based on noting of some loose sheets which were seized during a search operation. The reliability of these notings are themselves in dispute.

3. Be that as it may, the ITAT has on a consideration of the entire facts and circumstances and considering that different rates are charged in different transactions formed the view that 0.5% should be taken as a reasonable rate of profit/commissioner in such activities.

4. This Court fails to appreciate how the said order of the ITAT gives rise to

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any substantial question of law. Moreover, this is the second round of litigation and it has to end at some point. The Court sees no reason to interfere with the impugned order of the ITAT.

5. The appeals are dismissed.



S. MURALIDHAR, J.



TALWANT SINGH, J.

JULY 23, 2019

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