**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**ITA-128-2001 (O&M)
Date of Decision : 10.2.2020**

M/s. Kuldip Sood Enterprises ......Appellant

Versus

The Commissioner of Income Tax, Ludhiana ...... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.jUSTICE AVNEESH JHINGAN**
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Present : Mr. Alok Mittal, Advocate
for the appellant.

Mr. Sandeep Goyal, Sr. Standing counsel
for the respondents.

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AJAY TEWARI, J. (Oral)

1. This appeal has been filed by the assessee under Section 260A of the Income Tax Act, 1961 against the order dated 17.10.2000 passed by the Income Tax Appellate Tribunal, Chandigarh Bench 'A' Chandigarh (for short 'the Tribunal') passed in Income Tax Appeal No. 999/Chandi/1993 for A.Y. 1988-89 claiming the following questions of law:-

(a) Whether in the facts and circumstances of the case, order Annexure P-1 and P-3 are legally unsustainable ?
(b) Whether in the facts and circumstances of the case, the order of the Ld. Appellate Tribunal in sustaining an addition of Rs. 4,84,450/- on account of M/s Globe Engineering Works not responding to the queries of the Income Tax Department is legally unsustainble ?
(c) Whether in the facts and circumstances of the case, the

order passed by the Appellate Tribunal in sustaining an addition of Rs. 4,84,450/- in the case of the assessee-appellant on account of the some third party enquiries is legally sustainable ?

(d) Whether in the facts and circumstances of the case, the addition of Rs. 4,84,450/- is legally sustainable as the said addition being based on mere presumptions and conjectures which cannot form the basis for adjudication ?

2. This appeal relates to the disallowances of certain amounts which as per the assess were paid to his supplier but which was doubted by the authorities below.

3. Brief facts are that the payment in question as per the assessee was made to M/s. Globe Engineering Works, New Delhi for certain second hand machinery supplied in the financial year 1987-88. The Assessing Officer found that at one stage, one Mr. Gulshan Kumar had opened an account in the capacity of proprietor of M/s. Globe Engineering Works, Near Manju Cinema, G.T.Road, Ludhiana who withdrew the amount by cash and similarly, another person called Rajesh Kumar opened another account as proprietor of M/s. Globe Engineering Works with the address of Industrial Area, AT Ludhiana (67B), which was also withdrawn in cash. It was further found that both the accounts holder were introduced by a relative of the appellant-assessee who was employed in that very branch of that bank. On the basis of this documentation, the authorities below came to the conclusion that the appellant had not been able to satisfactorily prove that the payments made to these persons were related to the purchase of second hand machinery.

4. In our considered opinion, the finding is a pure finding of fact and learned counsel has not been able to show us that it is based on a

perverse reading of the evidence.

5. Accordingly, no substantial question of law proposed arises. Consequently, the appeal stands dismissed.

6. Since the main case has been dismissed, the pending application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

10.2.2020
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No