

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

**ITA No.26 of 2001 (O&M)
Date of Decision : 27.02.2020**

M/s Kalyan Rice & General Mills Appellant

versus

Commissioner of Income Tax & anr. Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE AVNEESH JHINGAN**

Present : Mr. Alok Mittal, Advocate
for the appellant.

Mr. Vivek Sethi, Sr. Panel Counsel with
Mr. Varun Issar, Jr. Panel Counsel
for the respondents.

AJAY TEWARI, J. (Oral)

1 This appeal has been filed against the order of the revenue making substantial addition on the basis of stock variation.

2 The primary grouse of the appellant was that at the relevant period it had obtained the contract for milling rice. For some period it did not have an electric connection and it had got that some paddy milled from its sister concern and that explained the stock variation. The authorities below having not accepted this explanation, the present appeal has been filed.

3 Before us it is not disputed that the sister concern had also reflected this transaction and that was ultimately accepted by the revenue.

4 In these circumstances, both the learned counsel have agreed that it would be appropriate if the matter is decided afresh in view of the changed circumstances i.e. plea of the sister concerned having been accepted.

5 Impugned order is set aside and the matter is remanded back.

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

(AJAY TEWARI)
JUDGE

(AVNEESH JHINGAN)
JUDGE

27.02.2020

pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No