



\$~135

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

+ ITA 86/2022

PR. COMMISSIONER OF INCOME TAX (CENTRAL)-2

..... Appellant

Through: Mr.Sanjay Kumar, senior standing
counsel.

versus

IMPERIAL HOUSING VENTURES P. LTD.

..... Respondent

Through: None

%

Date of Decision: 13th April, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

MANMOHAN, J (Oral):

C.M.No.18116/2022

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

ITA No.86/2022

1. Present appeal has been filed challenging the order dated 26th August, 2020 passed by Income Tax Appellate Tribunal (in short 'the ITAT') in ITA No. 440/Del/2016 for the Assessment Year 2012-13.

2. Learned counsel for the Appellant states that the ITAT has erred in upholding the decision of CIT(A) wherein it has deleted the addition made by the Assessing Officer amounting to Rs.7,17,95,500/- as 'unexplained



expenditure' in complete disregard of the system of accounting and the applicable accounting standards.

3. Learned counsel for the Appellant states that the ITAT has erred in not considering the fact that the entities Ganesh Traders and Trade Link India, from whom purchases have been shown to be made are bogus and non-existent.

4. The admitted position is that in another appeal, being ITA No.55/2022, filed by the Appellant herein against the respondent-assessee for the previous Assessment Year i.e. 2011-12, this Court has upheld the same common impugned order.

5. Moreover, in view of the concurrent findings of fact by the CIT(A) as well as the ITAT that goods alleged to have been supplied by Ganesh Traders and Trade Link India had been received by the respondent-assessee and further the payments had been made through banking channels, this Court is of the opinion that there is no perversity in the impugned order and, thus, no question of law arises for consideration in the present appeal. Accordingly, the present appeal is dismissed.

मान्यमेव जयते

MANMOHAN, J

DINESH KUMAR SHARMA, J

APRIL 13, 2022
KA