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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-86-2024 (O&M)
Date of Decision: 13.08.2024

Pr. Commissioner of Income Tax-1, Jalandhar

. . . . APPELLANT

Vs.

Sh.Anil Kumar Wasan

. . . . RESPONDENT

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CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH

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Present: Mr. Ranvijay Singh, Sr. Standing Counsel for the appellant.

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<u>SANJEEV PRAKASH SHARMA, J.(Oral)</u>

1. Present appeal has been filed against the order dated 09.11.2023 passed by the Income Tax Appellate Tribunal, Amritsar (for short, 'ITAT') for the assessment year 2014-15.

2. Learned counsel for the revenue submits that both the CIT(A) and ITAT have failed to take into consideration the submissions on behalf of the revenue in their true perspective. It is specifically pointed out that the Sundry Creditors lack worthiness. There is lack of documentary evidence and the order of AO on account of Sundry Creditors amounting to Rs.5,68,93,270/-, under Section 68 of the Act was proper and correct.

3. We have considered the submissions and find that the ITAT has re-examined the factual aspect in relation to the evidence which was recorded at the level of CIT (A). The Tribunal found that in terms of Rule 46 A(3) of the Income Tax Rules, 1962, the additional evidence could be accepted by CIT(A), which recorded that the assessee has filed the PAN, Confirmation, Books of Accounts and Bills before both the revenue authorities and the same

has not been objected by the DR. The balance of Sundry Creditors were carried forward from earlier years and the same could not have been added back in the impugned year. The grounds made by the revenue, which are purely factual, have been rejected.

4. We do not find any substantial question of law, perversity and ambiguity in the orders passed by the CIT(A) and the ITAT, thus, the present appeal is hereby dismissed.

5. Pending miscellaneous application(s), if any, shall also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

August 13, 2024
Rashmi

1. *Whether speaking/reasoned?* ***Yes/No***
2. *Whether reportable?* ***Yes/No***