109 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-221-2023 (O&M)
Date of Decision: 06.03.2024

THE PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL), LUDHIANA

........Appellant

V/s.

M/s. PUNJAB RICE LAND PVT. LTD., TARN TARAN, AMRITSAR

........Respondent

ITA-223-2023 (O&M)

THE PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL), LUDHIANA

........Appellant

V/s.

M/s. PUNJAB RICE LAND PVT. LTD., TARN TARAN, AMRITSAR

........Respondent

CORAM: ***HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA***
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Saurabh Kapoor, Senior Standing Counsel for the appellant(s).

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SANJEEV PRAKASH SHARMA, J. (Oral)

CM-21923-CII-2023 in ITA-221-2023
CM-21932-CII-2023 in ITA-223-2023

1. These applications are filed by the appellant(s) seeking condonation of delay of 166 days and 126 days in filing of the respective Appeals.

2. Having regard to the averments made in these applications, the same are allowed delay of 166 days and 126 days in filing of the respective appeals is hereby condoned.

CM-21926-CII-2023 in ITA-221-2023
CM-21933-CII-2023 in ITA-223-2023

3. These applications are filed by the appellant(s) seeking condonation of delay of 84 days and 71 days in re-filing of the respective Appeals.

4. Having regard to the averments made in these applications, the same are allowed delay of 84 days and 71 days in re-filing of the respective appeals is hereby condoned.

ITA-221-2023 (O&M) and ITA-223-2023 (O&M)

5. This order shall dispose of two connected Income Tax Appeals as the issue involved in both the Appeals is common.

6. These Appeals are preferred by the appellant(s) assailing the concurrent findings arrived at by the CIT(A) as well as by the ITAT in relation to the deletion of relief of Rs.3,03,81,804/- and Rs.1,69,98,970/- with respect to the assessment years 2012-13 and 2014-15 respectively.

7. This Court finds that the ITAT and the CIT(A) both have reached to a conclusion that the AO did not carry out any independent enquiry in respect of the assessment years 2012-13 to 2015-16, and has simply relied upon the findings mentioned in the appraisal report.

8. It is also to be noticed for the assessment year 2011-12, the Deputy Commissioner of Income Tax had re-opened the case under Section 148 of the Income Tax Act, 1961 after the search was conducted and the appraisal report was examined at the time of passing order under Section 148 of the Income Tax, 1961. The predecessor Assessing Officer (AO), after having taken into consideration the report and having conducted an enquiry, found that the transactions of purchase by the assessee from various parties were genuine and the Investigation Wing could not provide any material in support of the allegations of accommodation entries through Sh.Raman Dalal.

9. Once a finding relating to the same transactions was found to be genuine in relation to the assessment year 2011-12, the AO could not have added the said transactions for the assessment year 2012-13 and 2014-15 and thus, the findings and conclusion drawn by the Income Tax Appellate Tribunal do not warrant for any interference. No question of law is involved in these Appeals. Accordingly, both the Appeals are ***dismissed***.

10. All pending applications in these Appeals shall stand disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

March 6, 2024
Ess Kay

[SUDEEPTI SHARMA]
JUDGE

Whether speaking / reasoned	:	*Yes*	/	*No*
Whether Reportable	:	*Yes*	/	*No*