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

\+ ITA 117/2019

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL - 1 ..... Appellant

Through: Mr. Sunil Agarwal, Sr.SC with Mr. Shivansh B. Pandya, Jr. SC along with Mr. Utkarsh Tiwari, Adv.

versus

RAJIV GULATI ..... Respondent

Through: Ms. Shreya Jain and Mr. Gaurav Tanwar, Advs.

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\+ ITA 121/2019

THE PR. COMMISSIONER OF INCOME TAX -CENTRAL -1 ..... Appellant

Through: Mr. Sunil Agarwal, Sr.SC with Mr. Shivansh B. Pandya, Jr. SC along with Mr. Utkarsh Tiwari, Adv.

versus

RAJIV GULATI ..... Respondent

Through: Ms. Shreya Jain and Mr. Gaurav Tanwar, Advs.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **03.04.2024**

1. Ms. Jain, learned counsel appearing for the respondent/ assessee has drawn our attention to the order dated 23 November 2015 passed in ITA 963/2011.

2. Undisputedly, these appeals emanate from the search conducted on the MDH Group on 22 November 2006 and would consequently, stand covered by our decision dated 23 November 2015 passed in the aforesaid appeal.

3. Insofar as question 2 as posited is concerned, we take note of the following conclusions which had come to be recorded by the Income Tax Appellate Tribunal in paragraph 12 and which is reproduced hereinbelow:

> "**12.** From the perusal of the above it is seen that there is not much difference in the gross weight or net weight albeit the difference is on account of valuation of the jewellery. The difference in gross weight is merely 0.400 gms, however there is a huge difference in the valuation. If there is no quantitative difference and the difference in on account of valuation, then AO should have made some sort of enquiry from the Jeweller, because as per the purchase bill the same quantity of jewellery, he has shown a particular value and if such value is less, than AO should have ascertain this fact. Once there is evidence in the form of actual purchaser bill, then estimate made by the DVO cannot stand unless some material is brought on record to show that value shown in the bill has been suppressed. Thus, we do not find any reason to confirm such an addition merely on the basis of estimate made by the DVO when there is no difference in the quantity of jewellery. Thus, addition of Rs. 13,33,975/ - is deleted."

4. The aforesaid findings do not give rise to any substantial question of law.

5. In view of the above and for the reasons assigned in our order of 23 November 2015 passed in ITA No. 963/2011, these appeals shall stand dismissed.

YASHWANT VARMA, J.

PURUSHAINDRA KUMAR KAURAV, J.

APRIL 03, 2024/p