$~57

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

\+ ITA 112/2024

PRINCIPAL COMMISSIONER OF INCOME TAX -1
..... Appellant

Through: Mr. Prashant Meharchandani, Sr. Standing Counsel along with Mr. Akshat Singh, Jr. Standing Counsel and Ms. Ritika Vohra, Adv.

versus

M/S ANJANEY STEELS PVT. LTD. ..... Respondent

Through: None.

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

O R D E R

% **13.02.2024**

CM APPLs. 8562/2024 (195 Days Delay) & 8563/2024 (18 Days Delay in Refiling)

Bearing in mind the disclosures made, the delay of 195 days in filing the appeal and the delay of 18 days in re-filing the appeal is condoned.

The applications shall stand disposed of.

ITA 112/2024

1. The instant appeal is directed against the order of the Income Tax Appellate Tribunal [**'ITAT'**] dated 21 April 2023. The dispute itself emanates from the reassessment proceedings under Section 147 read alongwith Section 143(3) of the Income Tax Act, 1961 [**'Act'**] which were initiated on an allegation of accommodation entries and

income from commissions. Those additions came to be deleted by the Commissioner of Income Tax (Appeals) [**'CIT(A)'**] and which has also been affirmed by the ITAT.

2. As we view the order of assessment as framed by the Assessing Officer [**'AO'**], it is ex facie evident that it is bereft of even rudimentary reasoning. We note that the ITAT in this regard had observed:

> "6 . On going through the Assessment Order, we find that even the reasons for recording the satisfaction, or the details of satisfaction recorded viz., name, amount, bank details, details of the accommodation entity have not even been mentioned.
> 7 . The Assessing Officer has not travelled even an inch beyond the allegations to prove the facts. Allegations, however strong cannot be a reason to make addition without brining any basic tangible material on record.
> 8. Hence, the action of the revenue is to be discharged on merits and on account of failure to serve a valid statutory notice u/s 148."

3. In view of the aforesaid, we find no ground to interfere with the order impugned. The appeal raises no substantial question of law. Consequently, it fails and shall stand dismissed.

YASHWANT VARMA, J.

PURUSHAINDRA KUMAR KAURAV, J.

FEBRUARY 13, 2024/ RW