



\$~80

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ ITA 520/2024, CM APPL. 60232/2024 & CM APPL. 60233/2024  
PR. COMMISSIONER OF INCOME TAX-1, DELHI

.....Appellant

Through: Mr. Sanjay Kumar, Advocate.

versus

M/S ADVANTAGE FASHION PVT. LTD. ....Respondent

Through:

**CORAM:**  
**HON'BLE MR. JUSTICE VIBHU BAKHRU**  
**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

**14.10.2024**

%

1. The Revenue has filed the present appeal under Section 260A of the Income Tax Act, 1961 (hereafter *the Act*), impugning an order dated 30.11.2023, passed by the learned Income Tax Appellate Tribunal (hereafter *the ITAT*) in a batch of appeals and cross-appeals preferred by the Revenue and the Assessee, for the assessment years (hereafter *AY*) 2006-07, 2007-08, 2008-09, 2009-10, 2010-11 and 2011-12.

2. The present appeal relates to the Revenue's appeal being ITA No. 797/Del/2017 for the AY 2009-10, which was rejected by the learned ITAT, in terms of the common order, impugned in the present appeal. The Revenue has projected the following questions, for consideration of this Court:

“A. Whether the Ld. ITAT was correct in deleting the additions of Rs.6,97,45,648/- made on account of interest income camouflaged as sale/purchase by the assessee ignoring the documents seized and nature of agreement?”



B. Whether the Ld. ITAT was correct in deleting the additions of Rs.6,97,45,648/- made on account of interest income camouflaged as sale/purchase by the assessee ignoring the fact that no sale / purchase agreement of property contains clauses pertaining to corporate guarantee, personal guarantee, post-dated cheques etc?

C. Whether the Ld. ITAT was correct in deleting the additions of Rs.6,97,45,648/- made on account of interest income camouflaged as sale/purchase by the assessee ignoring the statement of Mr. Naveen Choudhary, CFO who admitted that the amount advanced to M/s Vatika Group is actually loan amount?"

3. Similar questions are also projected by the Revenue in connected appeals arising from the common impugned order. This Court had, in ITA 517/2024, considered the controversy involved in the present case and had found that no substantial question of law arises. The decision rendered in ITA 517/2024 would also cover the controversy covered in the present appeal.
4. The present appeal is, accordingly, dismissed. Pending applications also stand disposed of.

**VIBHU BAKHRU, J**

**SWARANA KANTA SHARMA, J**

**OCTOBER 14, 2024/at**

*Click here to check corrigendum, if any*