

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC' NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 2725 & 2726/Del/2025

Assessment Year: 2012-13

Ankur Kumar Goel, 28/42, Punjabi Bagh, New Delhi-110026. PAN: ADXPG 4331 Q	<u>Vs</u>	Income Tax Officer, Ward-44(6), Delhi.
APPELLANT		RESPONDENT
Assessee represented by	Shri Rajat Garg, CA	
Department represented by	Ms. Ambika Agarwal, Sr. DR	
Date of hearing	06.10.2025	
Date of pronouncement	06.10.2025	

ORDER

PER SATBEER SINGH GODARA, JM:

These assessee's twin appeals ITA Nos. 2725 & 2726/Del/2025 for A.Y. 2012-13, arise against the CIT(A)/NFAC, Delhi's as many DINs & Order Nos. ITBA/NFAC/S/250/2024-25/1067146872(1) & ITBA/NFAC/S/250/2024-25/1067145147(1), both dated 30.07.2024, in proceedings u/s 143(3) r.w.s. 147 & 271(1)(c) of the Income-tax Act, 1961, hereinafter referred to as the 'Act', respectively.

Heard both the parties. Case file perused.

2. Coming to the assessee's former appeal ITA No. 2725/Del/2025, it transpires during the course of hearing that both the learned lower authorities have disallowed his entire purchases of Rs. 34,54,339/- as bogus, in assessment framed on 29.11.2019, as upheld in the lower appellate proceedings. The Revenue could hardly dispute that the assessee's sales figure in his books of account in regular business activity have been duly reflected and accepted in both the lower proceedings. The fact also remains that the assessee also could not plead and prove the impugned purchases as genuine all along in the lower proceedings. It is thus deemed appropriate in the larger interest of justice that a lump sum disallowance of bogus purchases of Rs. 3.5 lakhs only would be just and proper with a rider that the same shall not be treated as a precedent. Necessary computation shall follow as per law. The assessee's instant former appeal ITA 2725/Del/2025 is partly allowed.

3. Next comes the assessee's penalty appeal ITA No. 2726/Del/2025 in AY 2012-13. There is no dispute between the parties that the impugned penalty of Rs. 10,17,970/- involves quantum issue of bogus purchases which requires supportive appreciation of the entire supporting evidence in quantum proceedings. That being the case, I hereby quote CIT v. Reliance Petroproducts P. Ltd. (2010) 322 ITR 158 (SC) that such an issue would hardly result in an instance of concealment of income or furnishing of inaccurate particulars thereof to delete the impugned

penalty levied by both the learned lower authorities. The assessee's instant latter appeal ITA No. 2726/Del/2025 succeeds therefore.

No other ground or arguments have been raised.

4. To sum up, this assessee's former appeal ITA No. 2725/Del/2025 is partly allowed and his latter appeal ITA No. 2726/Del/2025 is allowed, in above terms. A copy of this common order be placed in the respective case files.

Order pronounced in open court on 06.10.2025.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 13.10.2025.

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI