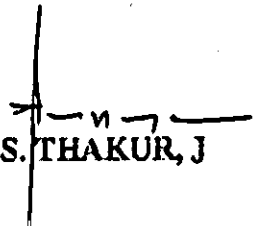





Sr. No.	Date	Orders
		<p>IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>ITA 1141/2005</p> <p>COMMISSIONER OF INCOME TAX ..... Appellant Through: Mr.R.D. Jolly with Mr.Ajay Jha, Advs.</p> <p>versus</p> <p>ANIL KUMAR JAIN ..... Respondent Through</p> <p>CORAM: HON'BLE MR. JUSTICE T.S. TILAKUR HON'BLE MR. JUSTICE B.N.CILATURVEDI</p> <p style="text-align: center;"><u>ORDER</u> 29.11.2005</p> <p>In the course of search, seizure and survey proceedings at the premises of the assessee under Section 132 of the Income Tax Act, a slip marked AA-7 was seized in which the assessee is stated to have acknowledged having given an amount of Rs.4,27,500/- for M/s. Advance Industries against cheques. In the course of the proceedings before the Assessing Officer, the explanation offered by the assessee for the said slip and payment was found to be unsatisfactory and the amount in question brought to tax as income from undisclosed sources. In appeal, the CIT (Appeals) deleted the said addition and accepted the explanation offered by the assessee. The Tribunal has affirmed that view and dismissed the appeal filed by the Revenue. The Tribunal has in this connection observed:-</p> <p>“During the course of hearing before us, the learned DR relied upon the reasoning of the AO. The learned AR of the assessee explained that the assessee was dealer of Reliance Industries. The Reliance Industry had supplied certain goods to M/s.Advance Inds. (P) Ltd. The assessee had earlier made payment to Reliance Industry Ltd., and against the same the assessee had received payment by cheques of Rs.2.00 Lacs on June 20<sup>th</sup> &amp; Rs.2,27,500/- on 21<sup>st</sup> June from the party. This transaction were duly reflected in the account book of</p>



No.	Date	Orders
		<p>assessee. No material or evidence has been relied upon before us to contest the veracity of this explanation of the assessee. We, therefore, do not see any reason to interfere in the impugned order of the learned CIT(A) and the same is confirmed and the appeal is dismissed.”</p> <p>The question whether the explanation offered by the assessee in connection with the seized document is or is not acceptable is a pure question of fact on which the authorities below have concurrently held in favour of the assessee. No question of law much less a substantial question of law arises for our determination. Dismissed.</p> <p style="text-align: right;"> T.S. THAKUR, J</p> <p style="text-align: right;"> B.N. CHATURVEDI, J</p> <p>NOVEMBER 29, 2005 ga</p>