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% 29.09.2008

Present: Ms Prem Lata Bansal for the Appellant.

+ CM 13029/08 in ITA 1140/08

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This is an application for condoning the delay of 18 days in filing the appeal.

The delay is condoned. This application stands disposed of.

ITA 1140/2008

This appeal is directed against the Tribunal's order dated 11.01.2008 passed in IT (SS) No. 70/D/2006 pertaining to the block period 01.04.1996 to 04.04.2002. The Assessing Officer in the block assessment had made an addition in respect of cash deposits in two accounts of the assessee in ABN Amro Bank. The Commissioner of Income Tax (Appeals) had deleted the addition on the ground that the said accounts had been shown in the regular books of account maintained by the assessee. He was also of the view that such an addition could not be made in the block assessment proceedings. The Income Tax Appellate Tribunal concurred with the view taken by the Commissioner of Income Tax



(Appeals) in deleting the addition made by the Assessing Officer. The Tribunal observed that the cash deposits in question had been entirely recorded by the assessee in its books of accounts regularly maintained and even the returns of income prepared on the basis of the said books of accounts for the assessment years 1999-2000 to 2001-2002 were filed by it much prior to the date of search. As regards the return of income filed for the assessment year 2002-2003, the same had also been prepared on the basis of the books of accounts regularly maintained, wherein all the transactions including the cash deposits in question in the bank accounts with ABN Amro Bank, were recorded by the assessee and had been filed by the assessee within the time limit prescribed under Section 139 (1) of the Income Tax Act, 1961 (hereinafter referred to as the 'said Act'). The Tribunal concluded as a finding of fact that the said cash deposits could not be treated as undisclosed income of the assessee within the meaning of Section 158 (B)(b) read with Section 158 BB. The Tribunal also found that the addition by the Assessing Officer in the block assessment year was beyond the scope and ambit of Chapter XIV-B of the said Act. The Tribunal placed reliance on the

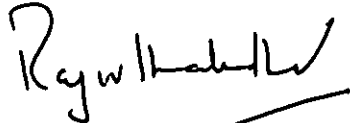


decisions of this Court in the case of *CIT v. Ravikant Jain: 250 ITR 141* and *CIT v. Jupiter Builders Private Limited: 287 ITR 287* wherein the scope of block assessment proceedings under Chapter XIV-B had been settled.

The findings returned by the Tribunal are pure findings of fact. It is only thereafter that the Tribunal has applied the law as laid down by this Court in *Ravikant Jain (supra)* and *Jupiter Builders Private Limited (supra)*. No substantial question of law arises for our consideration.

The appeal is dismissed.


BADAR DURREZ AHMED, J


RAJIV SHAKDHER, J

September 29, 2008
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