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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 349/2017

PRINCIPAL COMMISSIONER OF
INCOME TAX (CENTRAL)-1 Appellant
Through: Mr Sanjay Kumar, Advocate

versus

SHREEPRIYA JAIPURIA Respondent
Through: Through: Mr P.C. Yadav, Advocate

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ITA 350/2017

PRINCIPAL COMMISSIONER OF
INCOME TAX (CENTRAL)-1 Appellant
Through: Mr Sanjay Kumar, Advocate

versus

SURYA KANT JAIPURIA Respondent
Through: Through: Mr P.C. Yadav, Advocate

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ITA 351/2017

PRINCIPAL COMMISSIONER OF INCOME
TAX (CENTRAL)- 1 Appellant
Through: Mr Sanjay Kumar, Advocate

versus

SURYA KANT JAIPURIA Respondent
Through: Through: Mr P.C. Yadav, Advocate

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ITA 352/2017



PRINCIPAL COMMISSIONER OF
INCOME TAX (CENTRAL)- 1

..... Appellant

Through: Mr Sanjay Kumar, Advocate

versus

MANJU JAIPURIA

..... Respondent

Through: Through: Mr P.C. Yadav, Advocate

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ITA 353/2017

PRINCIPAL COMMISSIONER OF
INCOME TAX (CENTRAL)- 1

..... Appellant

Through: Mr Sanjay Kumar, Advocate

versus

VAIBHAV JAIPURIA

..... Respondent

Through: Mr P.C. Yadav, Advocate

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE CHANDER SHEKHAR

ORDER

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30.05.2017

CM 16884/2017 (exemption) in ITA 349/2017

CM 16886/2017 (exemption) in ITA 350/2017

CM 16888/2017 (exemption) in ITA 352/2017

CM 16891/2017 (exemption) in ITA 353/2017

1. Allowed, subject to all just exceptions.

ITA 349/2017, ITA 350/2017, ITA 351/2017, ITA 352/2017, ITA 353/2017

2. There is one common question arose in these appeals which have been preferred by the Revenue against the common order dated 17th November, 2016 in ITA Nos.6109/Del./2015, 6110/Del./2015, 6111/Del./2015,

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6112/Del./2015, 6289/Del/2015 and 5291/Del/2015 for Assessment Year (AY) 2011-12.

3. This common question relates to the additions made by the Assessing Officer ('AO') in respect of assessment of each of the Respondents/ Assesseees who are members of the family of Mr S.K. Jaipuria (who is the head of the family) on account of 'unaccounted share purchase'.

4. The attempt of the Revenue is to demonstrate that the shares of M/s Integrated Caps Pvt. Ltd. (ICPL) were in fact purchased by each of the Assesseees @ Rs.0.01 per share. The Revenue based its case on two sets of documents. The second set of documents showed that the shares were in fact purchased by M/s Windsor Durobuild Pvt. Ltd ('WDPL'). However these documents were not examined either by the AO or the Commissioner, Income Tax (Appeals) [CIT (A)].

5. The ITAT has in the impugned order categorically held that the shareholders register maintained by ICPL as well as the returns filed by it with the Registrar of Companies showed that the shares were in fact transferred to WDPL and not to any of the individual Assesseees.

6. Learned counsel for the Revenue has been unable to show that the above factual finding of the ITAT is perverse. The Court, therefore, declines to frame any substantial question of law on this issue.

7. As regards Mr. S.K. Jaipuria two more issues are urged by the Revenue. One relates to Annexure-A9 which was seized from his premises which



according to the Revenue shows the receipt of a sum of Rs.7.50 lakhs from a contractor, Mr Rakesh Thakur, for installation of kiosks at Sunshine Plaza, Indirapuram. Adding up the figures appearing in the said document, the AO sought to add Rs.34.75 lacs to the income of Mr Jaipuria.

8. The CIT(A) reversed the findings of the AO on this aspect. In the statement recorded under Section 132(4) of the Act the Assessee pointed out that this was not an amount paid to him in his individual capacity but the company of which he was Director and which is a separately assessed. The CIT (A) held that no document had been placed on record by the AO to show that the said sum was in fact received by the Assessee. This factual finding has been affirmed by the ITAT. Since there are concurrent findings of facts against the Revenue and in favour of the Assessee, the Court is not inclined to frame any substantial question of law in this regard.

9. The third issue is about the alleged unexplained payment in cash as a result of the family settlement amongst Mr. Chander Kant Jaipuria, Mr. Surya Kant Jaipuria and R.K. Jaipuria. Here again, the ITAT has deleted the additions on account of the cheques not having been encashed and the shares not being transferred. Therefore, no substantial question of law arises from this issue as well. The appeals are accordingly dismissed.

S.MURALIDHAR, J

CHANDER SHEKHAR, J

MAY 30, 2017/rd

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