(2008) 08 DEL CK 0161

In the Delhi High Court

Case No : Income Tax A. No. 839 of 2008

Commissioner of Income Tax APPELLANT

Vs

Pramod Kumar Gupta RESPONDENT

Date of Decision : 04-08-2008

Acts Referred:
Income Tax Act, 1961 — Section 143(3)

Citation : (2010) 320 ITR 408

Hon'ble Judges : Rajiv Shakdher, J;Badar Durrez Ahmed, J

Bench : Division Bench

Advocate : R.D. Jolly and Paras Chaudhary, for the Appellant;

Final Decision : Dismissed

Judgement

1. This appeal pertains to the block period April 1, 1996, to October 4, 2002. The Assessing Officer had found undisclosed investment in property. The Commissioner of Income Tax (Appeals) deleted the addition made on the said basis. This was confirmed by the Income Tax Appellate Tribunal by its impugned order. The Tribunal noted that the assessee had explained the investment in the property by declaring it in the return of income before the date of search and the same had been accepted in the assessment made u/s 143(3) after the date of search, i.e., February 26, 2004. The Tribunal further noted that it is also not in dispute that no material was found during search to indicate that any undisclosed investment for the block period had been made in the property. The Tribunal was of the view that the block assessment could only be made on the basis of evidence found during search and/or any other material or information relatable to such evidence. The Tribunal held that in this case, there was no evidence found during search showing any unaccounted investment in the said property. The Tribunal also concluded that no addition could, therefore, have been made in the block assessment on the basis of the valuation report of the District Valuation Officer.

2. There is no reason for us to interfere with the findings of the Tribunal. No

substantial question of law arises for our consideration. The appeal is dismissed.

