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D.B. INCOME TAX APPEAL NO.59/2007.
Commissioner of Income Tax
Vs.
Vimal Raj Singhvi

Date of Order :: 4th May 2007.

HON'BLE MR. JUSTICE P.B. MAJMUDAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. K.K. Bissa, for the appellant.

....

We have heard the learned counsel for the appellant. In our view, no substantial question of law arise in this appeal for determination by this Court.

The Tribunal has given cogent reasons in para 11 to para 14 of the impugned order for deleting the addition of Rs.10,75,000/- under Section 69A of the Act. It has been rightly found by the Tribunal that the version of the revenue is solely based on presumptions raised on the seized paper; and that too on account of probabilities. It has rightly been found by the Tribunal that there is no evidence on record, which could be stated to have been found during search which could establish that assessee had paid such amount in cash; or that the amount of Rs.10,75,000/- is unexplained money of the assessee. The Tribunal has found that the department has failed to ask from the assessee on this important aspect and that the raiding party was satisfied about the veracity of the

claim of the assessee. The Tribunal has, therefore, partly allowed the appeal of the assessee which order, in our view, requires no interference by this Court on the finding of fact arrived by the Tribunal.

The Tribunal has also dealt with the aspect of household expenditure in para 18 of the impugned judgment. After appreciation of the evidence, the Tribunal held that no addition on account of undisclosed household expenses is warranted in the block assessment on the basis of estimations and, in our view, the Tribunal has rightly deleted the entire additions on that count.

Under such circumstances, the reasoning given by the Tribunal cannot said to be perverse nor the Tribunal has ignored any principle of law nor committed any error which calls for our interference in this appeal; as the appeal is required to stand on substantial question of law which does not arise in this case.

Hence, the appeal fails and is, therefore, dismissed.

(DINESH MAHESHWARI), J. **(P.B. MAJMUDAR) ,J.**

Mohan/