

**IN THE INCOME TAX APPELLATE TRIBUNAL
PATNA BENCH, VIRTUAL HEARING AT KOLKATA**

Before

SRI SANJAY GARG, JUDICIAL MEMBER

&

SHRI SANJAY AWASTHI, ACCOUNTANT MEMBER

I.T.A. No.: 448/PAT/2024

Assessment Year: 2016-17

M/s. Manish Kumar **Appellant**
Shivpuri, Anisabad, Patna
Bihar-800001.
(PAN: AVBPK7282L)

Vs.

ACIT, Circle-4, Patna **Respondent**

Appearances:

Appellant represented by: None (adjournment petition filed)

Respondent represented by: Shri Ashwani Kr. Singal, JCIT

Date of concluding the hearing : 15.01.2025

Date of pronouncing the order : 15.01.2025

ORDER

Per Sanjay Garg, Judicial Member:

The captioned appeal has been preferred by the assessee against the order dated 18.04.2024 of the Ld. Commissioner of Income Tax (Appeal), Addl/JCIT(A), Jodhpur [hereinafter referred to as ld. 'CIT (A)'] u/s. 250 of the Income Tax Act, 1961 (hereinafter referred to as the "Act") for Assessment Year (AY) 2016-17.

2. The sole issue involved in this appeal is relating to the net profit rate on the undisclosed business receipts of the assessee.

3. Admittedly, the assessee did not disclose the receipt of Rs.1,05,10,500/- in the return of income. The Assessing Officer (AO) applied the net profit rate @ 12% on the said undisclosed receipts. However, the case

of the assessee is that the assessee in respect of the disclosed income has duly proved that the net profit rate of the assessee comes at 7.8% of the receipt. The assessee in this respect has also relied on the past data to show that the average net profit rate of the assessee is to that extent only. The Ld. DR could not rebut the aforesaid fact that the net profit rate of the assessee from its disclosed business receipts comes to 7.8% only. Considering the above stated facts on the file, the AO is directed to restrict the net profit rate on the undisclosed receipt of the assessee of Rs.1,05,10,500/- @ 7.8%. The appeal of the assessee is treated as partly allowed.

4. In the result, appeal of the assessee is treated as partly allowed.

Order pronounced in the open Court on 15th January, 2025.

Sd/-
[Sanjay Awasthi]
Accountant Member

Sd/-
[Sanjay Garg]
Judicial Member

Dated: 15.01.2025

J.Dey (Sr. P.S.)

Copy of the order forwarded to:

1. **Appellant : M/s. Manish Kumar**
2. **Respondent : ACIT, Circle-4, Patna**
3. **CIT(A), Addl/JCIT(A), Jodhpur**
4. **CIT**
5. CIT(DR), Patna Bench, Patna.
6. Guard File.

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By order

Assistant Registrar
ITAT, Patna Benches
Patna