

IN THE HIGH COURT OF DELHI AT NEW DELHI

ITA 977/2007

COMMISSIONER OF INCOME TAX, DELHI-IV Appellant
Through Mrs.P.L. Bansal, Advocate

versus

DEEP AGGARWAL ESTATES P. LTD. Respondent
Through None

CORAM:
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE DR. JUSTICE S. MURALIDHAR

O R D E R
09.10.2007

1. The Revenue is aggrieved by an order dt. 22nd Sept., 2006 passed by the Tribunal, Delhi Bench 'C', in IT(SS)A No. 74/Del/2000 relevant for the block assessment period 1988-89 to 1998-99 and in ITA No. 4004/Del/2002 relevant for the asst. yr. 1998-99.

2. The present appeal is, however, preferred only against the block assessment,

3. The only question that has arisen in this case is whether the assessee received commission of 4 per cent on sale of properties (2 per cent from the

buyer and 2 per cent from the seller) as held by the AO and by the CIT(A) or whether it used to receive commission at 2 per cent for such transactions ?

4. On consideration of the material, it appears that the statement of one Raju Prasad, who was an employee of the assessee and was working as a peon for the last six months may, have had some influence in the decision taken by the AO. Be that as it may the AO proceeded on the basis of his personal knowledge about the practice in the trade. This can hardly be said to be legal evidence.

5. The Tribunal came to the conclusion that reliance upon the statement of Raju Prasad was inadequate and there was no evidence at all to suggest that the assessee was charging 4 per cent commission as held by the AO. We find this to be merely a case of appreciation of the evidence on record. This does not, in our opinion, raise any substantial question of law.

6. Dismissed.

MADAN B. LOKUR, J

OCTOBER 09, 2007 S. MURALIDHAR, J

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