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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.171 of 2009

The Commissioner of Income Tax ..Appellant

Vs.

Smt. Jyoti Hitesh Jakhaaria ..Respondent

Mr. S.K. Bhatnagar with Mr. N.R. Prajapati, for the
Appellant.

Dr. P. Danial with Mr. V.S. Hadade, for the
Respondent.

**CORAM: F.I. REBELLO &
R.S.MOHITE, JJ.
DATED: 31ST MARCH, 2009**

P.C.:

. The Revenue is in Appeal against the order of the Tribunal dated 11th January, 2007. The Tribunal has noted that though as many as six grounds were taken the only issue involved was against the deletion of addition made on account of jewellery treating the same as unexplained cash credit of Rs.6,88,550/- under Section 68 and unexplained cash expenditure of Rs.20,656/- u/s.69C. A similar issue had come up for consideration before us in Income Tax Appeal No.128 of 2009 in the Commissioner of Income Tax vs. Inder V. Nankani. disposed of by us by order dated 24th February, 2009.

2. It was sought to be contended that in the case of Shri Inder V. Nankani (supra) no report had

been received from the A.O., whereas in this case report has been received. On the other hand on behalf of the assessee learned Counsel submits that though report has been received it is based only on circumstantial evidence and not on material and as such in fact would be no report in the eyes of law.

3. In the instant case we find that the sale had been confirmed in so far as the assessee is concerned by M/s.Galaxy Exports evidenced in the form of Bank documents. Once that is the case considering what we have set out in the judgment in Inder V. Nankani (supra) the question of law in so far as the assessee is concerned would not arise and consequently appeal dismissed.

(R.S.MOHITE, J.)

(F.I.REBELLO,J.)