

## TDI Marketing Pvt. Ltd. (Delhi HC)

“The Assessing Officer is silent about the enquiries conducted with the parties other than 9 shareholders stationed at Bombay. However, the addition is made in respect of all the shareholders. This is not only surprising but is disturbing. If the shareholders have appeared and confirmed having entered into transaction, in absence of any contrary material, the Assessing Officer could not merely on presumption treat the share capital as unexplained cash credit.

The ITAT has opined that the Assessing Officer has treated the share capital as unexplained cash credit merely on surmises and conjectures. It has concluded that the assessee has discharged the onus and has kept in view the absence of material with the Assessing Officer. It has, therefore, observed that the CIT (A) has rightly deleted the additions made by the Assessing Officer.”