

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**06.07.2009**

**Present: Mr. S.K.Mukhi , Advocate for the appellant.**

**Ms. Rashmi Chopra, Advocate for the respondent.**

**CM No. 8764/2009 in ITA No. 752/2009**

**Exemption sought is granted subject to all just exceptions.**

**Application is disposed of.**

**ITA 752/2009**

**Admit.**

**Following substantial questions of law arise in this appeal.**

- (a) Whether the ITAT and the Authorities below are justified in not appreciating the facts and the trite law that statements made during survey has no evidentiary value and that too if the same are rebutted by cogent reasons and evidences while filing the correct return of income or during Income tax proceedings**
- (b) Whether on the facts, circumstances and evidences of the present case, the ITAT was justified in confirming the addition of Rs.10 lacs over and above the agreed surrendered amount of Rs.1 crore during survey u/s 133A of the Income Tax Act, 1961 which findings are perverse and against the intent and substance of the surrender**
- (c) That whether the ITAT was justified in confirming the addition of Rs.10,00,000/- during the year under consideration on account of stock, in view of the trite law that the AO is bound to give credit of the same in the following years stock so that so there will be NIL Tax effect and even under that eventuality the additional addition of Rs.10,00,000/- is perverse**

**A.K.SIKRI, J  
VALMIKI J.MEHTA, J**

**July 06, 2009**