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

\+ ITA 18/2025

PRINCIPAL COMMISSIONER OF INCOME TAX DELHI -7 .....Appellant

Through: Mr. Indruj Singh Rai, Mr.Sanjeev Menon, Mr.Kahui Singh & Mr.Anmol Jagga, Advs.

Versus

M/S ROSEWOOD BUILDWELL PVT. LTD. .....Respondent

Through: Mr. Salil Kapoor, Mr. C.S. Anand, Mr. Sumit Lalchandani & Ms. Ananaya Kapoor, Adv.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

<u>O R D E R</u>

% **02.04.2025**

1. Issue notice.

2. The learned counsel appearing for the respondent accepts notice.

3. The appeal is admitted for consideration of following questions of law:

A. Whether the Ld. ITAT, in facts and circumstances of the case and in law, has erred in deleting addition of ₹3,50,00,000/- made by the assessing officer on account of unexplained credit under section 68 of the IT Act, without considering that the assessee failed to prove the identity, creditworthiness and genuineness of the share transactions?

B. Whether the Ld. ITAT, in facts and circumstances of the case and in law, has erred in not considering that the assessee failed in discharging onus casted upon it under section 68 of the IT Act as it could not furnish requisite documents/details to prove the transaction?

C. Whether the Ld. ITAT, in facts and circumstances of the case and in law, has erred in not considering the finding of the Assessing Officer and material evidence on record wherein the assessing officer had given proper opportunities to the assessee and made due enquiries under section 133(6) of the IT Act prior to making addition under section 68 of the IT Act?

4. The learned counsel appearing for the parties are at liberty to file all relevant documents subject to the same being part of the record before the concerned authorities within a period of two weeks from date.

5. List on 23.05.2025.

VIBHU BAKHRU, J

TEJAS KARIA, J

APRIL 02, 2025
'gsr'

Click here to check corrigendum, if any