

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई

IN THE INCOME TAX APPELLATE TRIBUNAL

'A' BENCH, CHENNAI

श्री एन.आर.एस. गणेशन, न्यायिक सदस्य एवं श्री एस जयरामन, लेखा सदस्य केसमक्ष

BEFORE SHRI N.R.S. GANESAN, JUDICIAL MEMBER AND
SHRI S. JAYARAMAN, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.298/Mds/2017

निर्धारण वर्ष / Assessment Year : 2013-14

The Income Tax Officer,
International Taxation – 2(1),
No.16, Greams Road, 4th floor,
BSNL Building, Tower – I,
Chennai - 600 006.

v. Smt. Malathi Ramji,
2B, Coral Sands, New No.26,
Beach Road, Kalakshetra Colony,
Chennai - 600 090.

PAN : AABPR 4351 G

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri AR.V. Sreenivasan, JCIT

प्रत्यर्थी की ओर से/Respondent by : Ms. Maya J. Nichane, Advocate

सुनवाई की तारीख/Date of Hearing : 20.11.2017

घोषणा की तारीख/Date of Pronouncement : 23.11.2017

आदेश / O R D E R

PER N.R.S. GANESAN, JUDICIAL MEMBER:

This appeal of the Revenue is directed against the order of the Commissioner of Income Tax (Appeals) -16, Chennai, dated 29.11.2016 and pertains to assessment year 2013-14.

2. The only issue arises for consideration is computation of capital gain.

3. We heard Shri AR.V. Sreenivasan, the Ld. Departmental Representative and Ms. Maya J. Nichane, the Ld.counsel for the assessee. For computing the capital gains, the Assessing Officer has taken the market value on the date on which the property was inherited by the assessee on the death of her mother Smt. Akila Vaidyanathan on 09.10.2001. The Assessing Officer rejected the claim of the assessee to take the market value as on 01.04.1981. The question arises for consideration is when the assessee inherited the property, whether the market value has to be taken on the date of inheritance or the value of asset in the hands of the original owner, namely, the mother of the assessee. This issue was considered by the Bombay High Court in CIT v. Manjula J. Shah 355 ITR 474. The Bombay High Court found that the value of the property in the hands of the previous owner, namely, mother of the assessee has to be taken into consideration. The CIT(Appeals), in fact followed the judgment of Bombay High Court. Therefore, this Tribunal do not find any reason to interfere with the order of the lower authority and accordingly the same is confirmed.

4. In the result, the appeal filed by the Revenue is dismissed.

Order pronounced on 23rd November, 2017 at Chennai.

sd/-

(एस जयरामन)

(S. Jayaraman)

लेखा सदस्य/Accountant Member

sd/-

(एन.आर.एस. गणेशन)

(N.R.S. Ganesan)

न्यायिक सदस्य/Judicial Member

चेन्नई/Chennai,

दिनांक/Dated, the 23rd November, 2017.

Kri.

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त (अपील)/CIT(A)
4. Principal CIT-
5. विभागीय प्रतिनिधि/DR
6. गार्ड फाईल/GF.