

**IN THE INCOME TAX APPELLATE TRIBUNAL,
BANGALORE BENCH 'B'**

**BEFORE SHRI N.V VASUDEVAN, JUDICIAL MEMBER
AND
SHRI JASON P BOAZ, ACCOUNTANT MEMBER**

ITA No.2613/Bang/2017
(Asst. Year – 2006-07)

Shri Ranganath Mangal Vedkar,
No.62, Nagaram, Flat No.003,
18th Cross, 4th Main,
Malleswaram,
Bengaluru.
PAN – AAJPR7347A.

. Appellant

Vs.

The Income-tax Officer,
Warad – 5(3)(1),
Bengaluru.

. Respondent

Appellant by : Shri C Ramesh, C.A
Respondent by : Smt. Padma Meenakshi, JCIT

Date of Hearing : 17-04-2018
Date of Pronouncement : 20-04-2018

ORDER

PER SHRI N.V VASUDEVAN, JUDICIAL MEMBER :

This is an appeal by the assessee against the order dated 8/8/2017 of Commissioner of Income-tax (Appeals) - 5, Bengaluru relating to asst. year 2006-07.

2. The assessee is an individual. He owned land in Bangalore. He entered into a registered Joint Development Agreement (JDA) dated 24/6/2005 for development by construction over the land owned by the Assessee. As per the JDA, the assessee was

10. As far as deductions u/s 54 of the Act is concerned, the Revenue authorities have not examined the claim of the assessee at all. The fact that there is no claim made in the return of income for such deduction cannot be the basis not to examine a lawful claim made by the assessee which if it is accordance with the provisions of law, should be allowed. Since this issue also needs to be examined by the AO, we deem it fit and proper to set aside the order of the CIT(A) and remand the issues with regard to validity of initiation of proceedings u/s 147 of the Act and the claim of the assessee for deduction u/s 54 of the Act, to the AO for fresh consideration. The AO will afford opportunity of being heard to the assessee before deciding the issues. For statistical purposes the appeal is treated as allowed.

11. In the result, the appeal of the assessee is treated as allowed for statistical purposes.

Order pronounced in the open court on **20th April, 2018.**

Sd/-
(JASON P BOAZ)
ACCOUNTANT MEMBER
Bangalore
Dated : 20/4/2018
Vms

Sd/-
(N.V VASUDEVAN)
JUDICIAL MEMBER

Copy to :1. The Assessee
2. The Revenue
3.The CIT concerned.
4.The CIT concerned.
5.DR
6.GF

By order

Sr. Private Secretary, ITAT, Bangalore