

**IN THE INCOME TAX APPELLATE TRIBUNAL
Hyderabad ' B ' SMC Bench, Hyderabad**

Before Smt. P. Madhavi Devi, Judicial Member

ITA No.1588/Hyd/2018
(Assessment Year: 2010-11)

Smt. Teegala Manju Latha Vs Income Tax Officer
Hyderabad 1-62 Meerpet Village, Saroor
PAN:ACIPT8826D Nagar Mandal, Hyderabad
(Appellant) (Respondent)

For Assessee : Shri Ramamurty T
For Revenue : Shri Solgy Jose T.Kottaram,DR

Date of Hearing: 12.03.2019
Date of Pronouncement: 13.03.2019

ORDER

This is assessee's appeal for the A.Y 2010-11 against the order of the CIT (A)-6, Hyderabad, dated 23.05.2018.

2. Brief facts of the case are that the assessee, an individual, filed her return of income for the A.Y 2010-11 on 31.07.2010 declaring an income of Rs.2,21,760/- and the same was processed u/s 143(1) of the Act. Subsequently, the AO noticed that, the assessee along with her son, sold an immovable property for a consideration of Rs.50.00 lakhs, even though the SRO value of the property was Rs.52,85,000/-. He also noticed that the assessee has not disclosed the capital gain as per section 50C. Therefore, he reopened the assessment u/s 147 of the Act

and a notice u/s 148 was been issued and the assessee was asked to show cause as to why the value should not be adopted at Rs.52,85,000/-. The assessee submitted that she had purchased the property in semi-finished condition and had incurred a further sum of Rs.20.00 lakhs to get the flat finished so as to make it habitable, However, she did not submit any objection with regard to the value adopted by the registration authorities. The AO, thus adopted the value u/s 50C of the Act and the capital gain was accordingly brought to tax.

3. Aggrieved, the assessee preferred an appeal before the CIT (A), who dismissed the same both for non-appearance of the assessee and also on merits on the basis of the material available on record. The learned Counsel for the assessee submitted that the notice of hearing on 8.5.2018 was served on the assessee only on 7.5.2018 and thereafter, date for hearing was 22.05.2018 on which date, due to some inconvenience the assessee could not appear before the CIT (A) but the CIT (A) has disposed of the appeal ex-parte the assessee on the very next day. He submitted that he has evidence to show that the value of the property was Rs.50.0 lakhs due to certain problems in the property. He prayed for remand of the issue to the file of the CIT (A).

4. The learned DR was also heard. I find that only three dates were given by the CIT (A) for the assessee to appear and the notice of hearing for the first two dates was not served on the assessee properly. Therefore, considering that the CIT (A) had decided the appeal ex-parte the assessee, I deem it fit and proper

to remand the issue to the file of the CIT (A) with a direction to give the assessee an opportunity to present its case on merits. The appeal is therefore, treated as allowed for statistical purposes.

5. In the result, appeal is treated as allowed for statistical purposes.

Order pronounced in the Open Court on 13th March, 2019.

Sd/-
(P. Madhavi Devi)
Judicial Member

Hyderabad, dated 13th March, 2019.

Vinodan/sps

Copy to:

- 1 Smt. Teegala Manjulatha, 1-62 Meerpet Village, Saroornagar
Mandal, Meerpet Hyderabad 500097
- 2 ITO Ward 14(2) Hyderabad
- 3 CIT (A)-6 Hyderabad
- 4 Pr. CIT – 6 Hyderabad
- 5 The DR, ITAT Hyderabad
- 6 Guard File

By Order