

आयकर अपीलिय अधिकरण, 'बी' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH: CHENNAI

श्री जॉर्ज माथन, न्यायिक सदस्य एवं
श्री इंटूरी रामा राव, लेखा सदस्य के समक्ष

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER AND
SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.1744/Chny/2019
निर्धारण वर्ष /Assessment Year: 2016-17

Shri Palapur Sundararajan,
Parthasarathy, Old No.149, New
No.82, Venkatrangan Pillai Street,
Triplicane, Chennai-600 005.

Vs. The Asst. Commissioner-
of Income Tax,
Non-Corporate Circle-9(1),
Chennai.

[PAN: AJNPP 0232 B]

(अपीलार्थी/ Appellant)

(प्रत्यर्थी/ Respondent)

अपीलार्थी की ओर से/ Appellant by

: Mr.K.Ravi, Adv.

प्रत्यर्थी की ओर से /Respondent by

: Mr.Marudha Pandian, JCIT

सुनवाई की तारीख/Date of Hearing

: 08.07.2019

घोषणा की तारीख /Date of Pronouncement

: 08.07.2019

आदेश / O R D E R

PER GEORGE MATHAN, JUDICIAL MEMBER:

This is an appeal filed by the assessee against the Order of the Commissioner of Income Tax (Appeals)-10, Chennai, in ITA No.127/18-19/CIT(A)-10 dated 21.05.2019 for the AY 2016-17.

2. Mr. Marudha Pandian, JCIT, represented on behalf of the Revenue and Mr.K.Ravi, Adv., represented on behalf of the assessee.

3. It was submitted by the Ld.AR that the assessee is an individual. The assessee had sold an immovable property which consisted of land and building for a consideration of Rs.75.00 lakhs. However, at the time of registration, the Sub-Registrar of Triplicane had charged additional stamp duty on the building on a differential value of Rs.9,07,549/-. The AO had proposed to add the same u/s.43CA(2) r.w.s.55A of the Act. It was submitted by the Ld.AR that the assessee had requested the property to be referred for valuation to the Valuation Officer for fixing the appropriate value u/s.43CA(2) r.w.s.55A of the Act. It was a submission that the AO had referred the property to the Valuation Officer vide a letter dated 13.12.2018 for determining the value u/s.43CA(2) of the Act. However, as the assessment was getting time barred, the AO had proceeded to complete the assessment by adding the said amount of Rs.9,07,549/- u/s.43CA(2) of the Act. It was a submission that though the Ld.CIT(A) had directed the AO to adopt the DVO's value and re-determine the profit on the sale of land and building, there seems to be the some confusion on the part of the interpretation of the said order of the Ld.CIT(A).

4. In reply, the Ld.DR submitted that he had no objection if the issues in this appeal are restored to the file of the AO for adopting the value as determined by the DVO.

5. We have considered the rival submissions.

6. A perusal of the order of the Ld.AO clearly shows that the AO has referred the matter of the valuation to the DVO vide AO's letter dated 13.12.2018. This being so, as the Ld.AR has categorically submitted before the Tribunal that the DVO report has not yet been received till 30.06.2019, in the interest of natural justice, the issue in this appeal is restored to the file of the AO for re-adjudication after obtaining the DVO's report as requested by the AO vide letter dated 13.12.2018.

7. In the result, the appeal filed by the assessee is partly allowed for statistical purposes.

Order pronounced on the 08th day of July, 2019 in Chennai.

Sd/-

(इंटूरी रामा राव)

(INTURI RAMA RAO)

लेखा सदस्य/**ACCOUNTANT MEMBER**

Sd/-

(जॉर्ज माथन)

(GEORGE MATHAN)

न्यायिक सदस्य/**JUDICIAL MEMBER**

चेन्नई/Chennai,

दिनांक/Dated: 08th July, 2019.

TLN

आदेश की प्रतिलिपि अग्रेषित/**Copy to:**

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