

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A-SMC", HYDERABAD

BEFORE SHRI A. MOHAN ALANKAMONY,
ACCOUNTANT MEMBER

	ITA No.1289/Hyd/2019	
	Assessment Year: 2016-17	
Sri Somasundaram Vijaya Kumar, Hyderabad. PAN: BYMPK 9364 A	Vs.	Income Tax Officer, Ward-4(1), Hyderabad.
(Appellant)		(Respondent)
Assessee by:	Sri D. Satyanarayana	
Revenue by:	Sri R.S. Arvindakshan, DR	
Date of hearing:	12/12/2019	
Date of pronouncement:	22/01/2020	

ORDER

This appeal is filed by the assessee against the order of the Ld. CIT(A)-1, Hyderabad in appeal No.10492/2018-19/ITO-4(1)/CIT(A)-1/Hyd/2019-20, dated 25/6/2019 order passed U/s. 143(3) r.w.s 147 & U/s. 250(6) of the Act for the A.Y. 2016-17.

2. The assessee has raised the following grounds in his appeal:-

- “1. *The order of the Ld. CIT(A) is erroneous both on facts and in law.*
2. *The Ld. CIT(A) erred in confirming the initiation of proceedings U/s. 147 of the Act.*
3. *the Ld. CIT(A) erred in confirming the determination of the indexed cost of capital asset sold as determined by the Assessing Officer.*
4. *The Ld. CIT(A) ought to have seen that the market value fixed by the Sub-registrar at Rs. 250/- per sft cannot be applied against the cost of construction estimated by the Registered Valuer after due*

inspection of the building and considering the type of construction; the quality of construction etc.

5. *The Ld. CIT(A) ought to have considered the fact that the construction took place during the financial year 1999-2000 and the cost of construction of the structure was Rs. 500/- per sft besides incurring the expenditure on cost of interiors.*
6. *The Ld. CIT(A) erred in not considering the ground with regard to the expenditure incurred in paying compensation to the tenant who was residing in the said house at the time of sale.*
7. *Any other ground or grounds that may be urged at the time of hearing.”*

3. At the outset, the Ld. AR submitted before us that the entire addition was due to the fact that the assessee had failed to produce evidence with respect to the cost of acquisition / construction of his immovable property. The Ld. AR further pleaded by stating that one more opportunity may be provided to the assessee so that he can produce the requisite evidence before the Ld. AO. The Ld. DR on the other hand vehemently opposed to the submission of the ld. AR.

4. I have heard the rival submission and carefully peruse the materials on record. Though I do not appreciate the fact that the assessee had failed to produce the required evidence before the ld. AO at the time of assessment proceedings and further failed to do so before the first appellate authority, considering the prayer of the assessee, in the interest of justice, I hereby remit the appeal back to the file of the Ld. AO with directions to accept and examine any fresh evidence produced by the assessee and thereafter decide the matter in accordance with law and merit afresh. At the same time, I also direct

the assessee to co-operate with the ld. Revenue Authorities in their proceedings failing which the ld. Revenue Authorities shall be at liberty to adjudicate the issue based on the materials on record.

5. In the result, appeal of the assessee is allowed for statistical purposes as indicated hereinabove.

Pronounced in the open Court on 22nd January, 2020.

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated: 22nd January, 2020.

OKK

Copy to:-

- 1) Sri Somasundaram Vijay Kumar, 6-3-850/4/B, Ameerpet, Hyderabad – 500 016.
- 2) Income Tax Officer, Ward-4(1), Income Tax Towers, A.C. Guards, Hyderabad.
- 3) The CIT(A)-1, Hyderabad
- 4) The Pr. CIT-1, Hyderabad
- 5) The DR, ITAT, Hyderabad
- 6) Guard File