

IN THE INCOME TAX APPELLATE TRIBUNAL  
INDORE SMC BENCH, INDORE

BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER

**ITA No.754/Ind/2019**  
**Assessment Year: 2014-15**

Ms. Anubha Garg 304-AD, Scheme No.74-C, Vijay Nagar, Indore (Appellant)	<u>बनाम/</u> Vs.	ITO 3(5) Indore (Revenue)
P.A. No.AJWPG4041Q		
Appellant by	Shri Anil Kamal Garg & Arpit Gour, ARs	
Respondent by	Shri R.P. Mourya, Sr. DR	
<b>Date of Hearing:</b>	<b>04.03.2020</b>	
<b>Date of Pronouncement:</b>	<b>09.03.2020</b>	

**आदेश / O R D E R**

This appeal by the assessee is directed against order of the CIT(A)-I, Indore dated 27.05.2019 pertaining to the assessment year 2014-15. The assessee has raised following grounds of appeal:

*1. "That, the learned CIT(A) grossly erred, both on facts and in law, in upholding and confirming the assessment order passed by the ld. AO under s.143(3) of the Act determining the income of the appellant at Rs.15,04,990/- as against the*

*Returned Income of the appellant at Rs.5,52,990/- thereby making addition of Rs.9,52,000/- in the total income of the appellant.*

*2.That, the learned CIT(A) grossly erred, both on facts and in law, in confirming the addition of Rs.9,52,000/- made by the AO in the appellant's income by invoking the deeming provisions of s. 56(2)(vii)(b) of the Income-Tax Act, 1961, thereby holding the difference between the Stamp Duty Value and Actual Purchase Consideration of the Property as the income of the appellant without considering and appreciating the explanation of the appellant. .*

*3.That, the learned CIT(A) grossly erred, both on facts and in law, in confirming the impugned addition of Rs.9,52,000/- made by the AO in the appellant's income by invoking the deeming provisions of s. 56(2)(vii)(b) of the Act without first making a reference to the Valuation Officer in accordance with the provisions of sub-section (2) of section 50C of the Act despite making a specific request by the appellant in this regard before the authorities below.*

*4.That, the appellant further craves leave to add, alter or amend the foregoing grounds of appeal as and when considered necessary. ”*

2.The only effective ground is against sustaining the addition of Rs.9,52,000/- on the difference between the sale consideration disclosed by the assessee and the sale consideration adopted by the Stamp Valuation Authority without referring the issue of valuation to the Departmental Valuation Officer (DVO).

3. The facts in brief are that the case of the assessee was picked up for scrutiny assessment and the assessment u/s 143(2) of the Income Tax Act 1961( herein after referred as the 'Act') was framed vide order dated 18.11.2016 pertaining to the A.Y. 2014-15. The assessing officer while framing the assessment observed that the assessee had purchased a plot No.128, Adinath Estate, Village Nayata Mundala, Tehsil and district Indore, at the sale consideration of Rs.10,00,000/- whereas the fair market value as per guidelines of the property as issued by the District Registrar of Indore, of the said property at Rs.19,52,000/-. Therefore, finding the explanation of the assessee as not satisfactory, the assessing officer made addition u/s 56(2)(vii)(b)(ii) of the Act as income from other sources.

4. Aggrieved against this, the assessee preferred an appeal before Ld. CIT(A), who after considering

submissions dismissed the appeal. Now, the assessee is in appeal before the Tribunal.

5. At the outset, Ld. counsel for the assessee vehemently argued that the submission made before the Ld. CIT(A) was that due to allocation of the property no one was ready to purchase the same. The assessee was in same therefore, the Ld. CIT(A) was not justified and adopting the same. He submitted that the Ld. CIT(A) ought to have obtained the report from DVO, therefore, sustained the addition.

6. Ld. D.R. opposed these submissions and supported the orders of the authorities below and he submitted that the revenue has no objection if matter referred for valuation.

7. I have heard the rival submissions, perused the materials available on record and gone through the orders of the authorities below. Considering the fact on record and submissions of the parties, in my considered view that the

assessee had objected for the value adopted by the Stamp Valuation Authority. He ought to have referred the matter for valuation to the Departmental Valuation Officer( in short DVO). I, therefore, set aside this issue to the file of Ld. CIT(A) for deciding afresh after obtaining the report from the DVO. Grounds raised in this appeal are allowed for statistical purposes.

8. The appeal filed by the assessee is allowed for statistical purposes.

*Order was pronounced in the open court on 09 .03.2020.*

**Sd/-  
(KUL BHARAT)  
JUDICIAL MEMBER**

Indore; दिनांक Dated : 09/03/2020

*Patel/PS*

Copy to: Assessee/AO/Pr. CIT/ CIT (A)/ITAT (DR)/Guard file.

By order

**Assistant Registrar, Indore**