

**IN THE INCOME TAX APPELLATE TRIBUNAL RANCHI 'E-COURT' AT KOLKATA**

**Before Shri S.S, Godara, JM & Dr. A.L. Saini, AM**

**ITA No.343/Ran/2018**  
Assessment Year:2014-15

<b>Mohan Prasad Gupta</b> C/o D.P. Paul(FCA), 718/1, Nabin Mitra Road, Near Samsung Plaza, Burdwan Compound, Lalpur, Ranchi- 834001.	<b>बनाम / V/s.</b>	<b>ITO, Ward-2(1), Ranchi</b>
<b>PAN No.AC BPG4107H</b>		
अपीलार्थी /Appellant	..	प्रत्यर्थी /Respondent

अपीलार्थी की ओर से/By Appellant	Shri P.S. Paul, CA
प्रत्यर्थी की ओर से/By Respondent	Shri A.K. Mohanti, Addl. CIT
सुनवाई की तारीख/Date of Hearing	14-07-2020
घोषणा की तारीख/Date of Pronouncement	14-07-2020

**आदेश /O R D E R**

**Per S. S. Godara(Oral):**

This assessee's appeal for assessment year 2014-15 arises against the Commissioner of Income-tax (Appeals), Jharkhand's order dated 30.08.2018 passed in case No.CIT(A),Ranchi/10293/2016-17 involving proceedings u/s 143(3) of the Income Tax Act, 1961; (in short 'the Act').

Heard both the parties. Case file persued.

2. We notice at the outset that the sole substantive issue raised in the instant appeal is that of section 50C having been invoked by the Assessing Officer for adopting stamp valuation rate of Rs.53,96,040/- resulting in long-term capital gains addition of Rs.53,34,419/-; during the course of assessment as upheld in the CIT(A)'s order. Learned departmental representative fails to rebut the clinching fact that neither

of the lower authorities had made section 50C(2) statutory reference to the DVO before adopting the impugned fair market value. Hon'ble Calcutta High Court's judgment in Sunil Kumar Agarwal vs. CIT (2016) 372 ITR 83 (Cal) holds that such a reference is very much mandatory made even if the assessee does not raise any plea before the lower authorities. We therefore restore the assessee's sole grievance back to the Assessing Officer for afresh adjudication after making section 50C(2) reference to the DVO.

3. This assessee's appeal is allowed for statistical purposes.

Order pronounced in open court on 14/07/2020.

Sd/-  
(A. L. Saini)  
Accountant Member

Sd/-  
(S.S. Godara)  
Judicial Member

Kolkata;  
Date:14/07/2020  
RS

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. अपीलार्थी/Appellant- Mohan Prasad Gupta
2. प्रत्यर्थी/Respondent- ITO, Ward-2(1), Ranchi
3. संबंधित आयकर आयुक्त / Concerned CIT
4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण / DR, ITAT,
6. गार्ड फाइल / Guard file.

//True copy//

By order/आदेश से,

Sr. Private Secretary