

आयकर अपीलिय अधिकरण, 'डी' न्यायपीठ, चेन्नई।

IN THE INCOME TAX APPELLATE TRIBUNAL 'D' BENCH: CHENNAI

श्री वी दुर्गा राव, न्यायिक सदस्य एवं श्री एस. जयरामन, लेखा सदस्य के समक्ष

**BEFORE SHRI V. DURGA RAO, JUDICIAL MEMBER AND
SHRI S. JAYARAMAN, ACCOUNTANT MEMBER**

**I.T.A. No.73/Chny/2018
Assessment Year: 2011-2012**

Smt. S. Vasantha,
No.26/2, Vivekananda Street,
Annai Ajugam Nagar,
Peravallur,
Chennai – 600 082.

The Income Tax Officer,
Non-Corporate Ward – 6(4),
Vs. Chennai – 600 034.

[PAN: AQPPV 9156K]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Mr. S. Sridhar, Advocate
: Mrs. R. Anita, JCIT

सुनवाई की तारीख/Date of Hearing

: 17.11.2020

घोषणा की तारीख /Date of Pronouncement

: 02.12.2020

आदेश / ORDER

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the Assessee is directed against the order of the learned Commissioner of Income Tax (Appeals)-5, Chennai in I.T.A. No.48/CIT(A)-5/16-17, dated 01.06.2017 relevant to the assessment year 2011 - 2012.

2. The facts of the case in brief is that the Assessee, Smt. S. Vasantha inherited a vacant land of 1.06 acres comprising of Survey No.70/2 of Periakuppam Village, Tiruvallur, Chengalpet District after the death of her husband, Late Shri. Srinivasan along with other co-owners of Late Shri. Singaravelu who initially purchased the property along with her husband. The same was sold by the Assessee and her two sons along with the legal heirs of Late Shri. Singaravelu by way of sale deed Doc. No.807/2010 dated 24.05.2010. The Assessee has shared the sale consideration received by her along with Mr. Ram Kumar who is the son of the Assessee to construct a house. Mr. Ram Kumar had constructed a house by taking a loan and also with the sale consideration share that was given by his mother and received by him and thus the Assessee has claimed exemption u/s.54F of the Income Tax Act, 1961.

3. The Assessing Officer has denied on the ground that the Assessee has not constructed a house and was not eligible for the exemption for Section 54F of the Income Tax Act, 1961.

4. The learned Commissioner of Income Tax (Appeals) has confirmed the same.

5. We have heard both the sides, perused the materials available on record and gone through the orders of the authorities below.

6. The Assessee's Late husband along with Late Shri. Singaravelu had purchased the vacant land comprising of 1.06 acres. After the demise of the Assessee's husband and also the co-owner, both the legal heirs has sold the property. So far as the Assessee is concerned, she received the sale consideration along with her two sons and that one of her son proposed to construct a house. The Assessee being an old-aged women has shared the sale consideration to her son for the purpose of constructing a new house and thus claimed exemption u/s.54F of the Income Tax Act, 1961.

7. It is a fact that the Assessee's son constructed a house with the sale consideration received by the Assessee and that shared with her son. Under these facts and circumstances, exemption u/s.54F of the Income Tax Act, 1961 being a beneficial provision and also taking into consideration the status of the old-aged women

who is without her husband who has shared the money received by her to her son for constructing of a new house, in our opinion, the Assessee is eligible for the benefit of exemption u/s.54F of the Income Tax Act, 1961.

Accordingly, the order passed by the learned Commissioner of Income Tax (Appeals) stands cancelled and the appeal of the Assessee is allowed.

8. In the result, the appeal of the Assessee in I.T.A.No.73/Chny/2018 is allowed.

Order pronounced on 2nd December, 2020 in Chennai.

Sd/-

(श्री एस. जयरामन)

(S. JAYARAMAN)

लेखा सदस्य/ACCOUNTANT MEMBER

Sd/-

(वी दुर्गा राव)

(V. DURGA RAO)

न्यायिक सदस्य/JUDICIAL MEMBER

चेन्नई/Chennai, दिनांक/Dated: 2nd December, 2020
IA, Sr. P.S

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