

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'F', NEW DELHI**

**Before Sh. Kul Bharat, Judicial Member**

**Dr. B. R. R. Kumar, Accountant Member**

**(Through Video Conferencing)**

**ITA No. 7015/Del/2017 : Asstt. Year : 2013-14**

Vinod Gugnani, B-8/6, Ground Floor, Vasant Vihar, New Delhi-110057	Vs	Income Tax Officer, Ward-30(1), New Delhi
<b>(APPELLANT)</b>		<b>(RESPONDENT)</b>
<b>PAN No. ACTPG6934C</b>		

**Assessee by : Sh. Salil Kapoor, Adv.**

**Revenue by : Ms. Mrinalini Sapra, Sr. DR**

**Date of Hearing: 26.08.2021**

**Date of Pronouncement: 08.09.2021**

**ORDER**

**Per Dr. B. R. R. Kumar, Accountant Member:**

The present appeal has been filed by the assessee against the order of Id. CIT (A)-10, New Delhi dated 25.09.2017.

2. Following grounds have been raised by the assessee:

*"1. That the order passed by the CIT (A) dismissing the appeal of the assessee is illegal and bad in law.*

*2. That the CIT(A) has grossly erred in not providing a sufficient opportunity to the assessee of being heard. The order has been passed in violation of the Principle of Natural Justice.*

*3. That the appellant was also prevented by reasonable and sufficient cause for not appearing and attending the matter properly before the CIT(A),*

4. *That the CIT(A) has grossly erred in law and on facts in upholding the addition of Rs 31,88,791/- made by the AO u/s 54F of the Income Tax Act,1961.*

5. *That the interpretation of section 54F adopted by the AO and upheld by the CIT(A) is totally Illegal, bad in law and based on mere guesswork.*

6. *That the CIT(A) has held that the appellant only pressed the ground regarding the capital gain addition and did not urge the other additions. This is totally incorrect and the appellant wanted to contest all additions. The appellant was prevented by reasonable cause for not doing so.*

7. *That the CIT(A) has grossly erred in upholding addition on account of disallowance of telephone expense of Rs 44,660/-.*

8. *That the CIT(A) has grossly erred in upholding addition on account of disallowance of car expense of Rs 79,276/-.*

9. *That the CIT(A) has grossly erred in upholding addition on account of disallowance of Tour and Travelling expense of Rs 46,668/-.*

10. *That the CIT (A) has grossly erred in upholding addition on account of entertainment expenses of Rs 99,228/-.*

11. *The observations made by the AO/CIT(A) are unjust, unlawful and based on mere surmises and conjunctures."*

3. Brief facts of the case are that the assessee e-filed return of income on 03.08.2013 declaring an income of Rs.15,20,430/. During the course of assessment proceedings, it is noted that the assessee has sold a factory situated at E-46/8, Okhla Industrial Area-II, New Delhi for Rs.3,50,00,000/-. Out of which the assessee has declared consideration of Rs.3,30,00,000/- in

respect of land. It was further stated that the assessee has claimed Rs.7,66,800/- as indexed cost and Rs.30,51,744/- as conversion fee and after deducting the same, Rs.2,91,81,456/- has been declared as long term capital gain.

4. From the order of the Id. CIT (A) at para 3.1.6, we find that the assessee has partly complied to the queries raised by the Id. CIT (A) and defaulted the hearings slated on 28.07.2017 and 06.09.2017. The proceedings have been completed culminating into the order dated 25.09.2017 by the Id. CIT (A).

5. Before us, the assessee has taken up at ground nos. 2, 3 & 6 that he was prevented by reasonable and sufficient cause for not appearing and complying before the Id. CIT (A). Further, the details of payment of conversion fees have not been available on record. Hence, in the interest of justice and since no prejudice is caused to the revenue, we deem it proper to afford an opportunity to the assessee to comply and furnish all the relevant details before the Id. CIT (A). The Id. CIT (A) shall consider all the details submitted by the assessee and shall pass an order in accordance with the provisions of the Income Tax Act, 1961.

6. In the result, the appeal of the assessee is allowed for statistical purposes.

Order Pronounced in the Open Court on 08/09/2021.

Sd/-

**(Kul Bharat)**  
**Judicial Member**

**Dated: 08/09/2021**

\*Subodh Kumar, Sr. PS\*

Sd/-

**(Dr. B. R. R. Kumar)**  
**Accountant Member**