

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE – VIRTUAL COURT

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.300/PUN/2020

निर्धारण वर्ष / Assessment Year : 2013-14

Smt. Preeti Rathi, 211/8, Neelambari, Bhandarkar Road, Pune, Maharashtra-411004 PAN : AEEPR6275E	Vs.	ITO, Ward-3(1), Pune
(Appellant)		(Respondent)

Appellant by Shri C.H. Naniwadekar
Respondent by Shri M.G. Jasnani

Date of hearing 03-02-2022
Date of pronouncement 03-02-2022

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the assessee is directed against the order passed by the CIT(A)-3, Pune on 02-01-2020 in relation to the assessment year 2013-14.

2. The first issue raised herein is against not allowing deduction towards brokerage of Rs.80,000/- paid by the assessee at the time of purchase of the property in the computation of capital gain towards.

3. Briefly stated, the facts of the case are that the assessee sold a residential apartment at Vrundali, Bhandarkar Road, Pune for a sum of Rs.1.84 core. While computing capital gain,

the assessee reduced a sum of Rs.80,000/- towards cost of improvement, which was claimed to have been paid as brokerage at the time of purchase of the property. The AO called upon the assessee to produce evidence of the payment of brokerage. No evidence was furnished. The claim was accordingly rejected. The Id. CIT(A) echoed the assessment order on this point despite the assessee's contention that the value of the property was increased by the amount of brokerage in her Wealth-tax return filed for the A.Y. 2001-02. Aggrieved thereby, the assessee has come up in appeal before the Tribunal.

4. I have heard both the sides and perused the relevant material on record. The claim of the assessee is that she paid a sum of Rs.80,000/- as brokerage at the time of purchase of property, which was sold during the assessment year under consideration. Despite repeated requests, the assessee could not furnish any evidence of the payment of the brokerage. The Wealth-tax return for the assessment year 2001-02 including the value of the flat at Vrundali, Bhandarkar Road, Pune is no substitute to the evidence of payment when called for. Neither any receipt of the payee nor any evidence of payment through

banking channel or otherwise has come up either before the lower authorities or the Tribunal. In the given circumstances, I am satisfied that the Id. CIT(A) was justified in not allowing deduction towards payment of such brokerage in the computation of capital gain.

5. The only other issue raised by the assessee is against upholding the addition of Rs.11,93,000/- on the ground that the assessee did not withdraw or utilise the amount deposited in the capital gain account scheme in purchase/construction of the asset within the time specified u/s.54 of the Act. At the outset, the Id. AR fairly stated that this issue is academic in nature insofar as the year under consideration is concerned. I, therefore, uphold the impugned order on this score as well.

6. In the result, the appeal is dismissed.

Order pronounced in the Open Court on 03rd February, 2022.

Sd/-
(R.S.SYAL)
उपाध्यक्ष/ VICE PRESIDENT

पुणे Pune; दिनांक Dated : 03rd February, 2022
Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order is forwarded to :

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. आयकर आयुक्त(अपील) /
The CIT (Appeals)-3, Pune
4. The Pr. CIT-2, Pune
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "SMC"
/ DR 'SMC', ITAT, Pune;
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण ,पुणे / ITAT, Pune

		Date	
1.	Draft dictated on	03-02-2022	Sr.PS
2.	Draft placed before author	03-02-2022	Sr.PS
3.	Draft proposed & placed before the second member	--	JM
4.	Draft discussed/approved by Second Member.	--	JM
5.	Approved Draft comes to the Sr.PS/PS		Sr.PS
6.	Kept for pronouncement on		Sr.PS
7.	Date of uploading order		Sr.PS
8.	File sent to the Bench Clerk		Sr.PS
9.	Date on which file goes to the Head Clerk		
10.	Date on which file goes to the A.R.		
11.	Date of dispatch of Order.		

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