

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD 'A' BENCH, HYDERABAD.**

**BEFORE SHRI S.S. GODARA, JUDICIAL MEMBER AND
SHRI L. P. SAHU, ACCOUNTANT MEMBER**

**ITA No.1469/Hyd/2018
(Assessment Year : 2013-14)**

M/s. Jagadamba Hospitals Pvt. Ltd.,
Hyderabad.
PAN AABCJ0055GAppellant.

Vs.

Dy. Commissioner of Income Tax,
Circle 2(1), Hyderabad.Respondent.

Appellant By : Smt. S. Sandhya, Adv.
Respondent By : S/Shri Rajendra Kumar &
Sunil Goutam. (D.Rs)

Date of Hearing : 10.03.2022.
Date of Pronouncement : 15.03.2022.

O R D E R

Per S.S. Godara, J.M. :

This assessee's appeal for Asst. Year 2013-14 arises from the Commissioner of Income Tax (Appeals)-2, Hyderabad's order dt.08.03.2018 passed in case No.10484/CIT(A)-2/Hyd/2017-18 in proceedings under Section 144 r.w.s. 147 of Income Tax Act, 1961 ('the Act').

Heard both the parties. Case file perused.

2. Coming to the assessee's sole substantive grievance that both the lower authorities' have erred in law and on facts in making short term capital gain (STCG) addition of Rs.241,81,423 after invoking provisions of section 50C(2) of the Act thereby adopting SRO value of the capital asset in issue at Rs.339,22,500; we notice at the outset that neither the Assessing Officer nor the CIT(A) have made any statutory reference to the District Valuation Officer (DVO).

3. Learned departmental representative vehemently argued before us that such a reference is nowhere mandatory since the assessee had not raised the corresponding objection in either of the lower proceedings. We find no merit in the Revenue's instant technical argument in light of case law **Sunil Kumar Aggarwal Vs. CIT** (2015) 372 ITR 83 (Cal) that such a reference is indeed mandatory than based on mere technical aspects. We thus accept assessee's instant sole substantive ground for statistical purposes. The Assessing Officer is directed to

decide the impugned issue afresh after making statutory reference to the DVO as per law. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purposes in above terms.

Order pronounced in the open court on 15th Mar., 2022.

Sd/-

Sd/-

(L.P. SAHU)

(S.S. GODARA)

Accountant Member

Judicial Member

Hyderabad, Dt. 15.03.2022.

* Reddy gp

Copy to :

1.	M/s. Jagadamba Hospitals Pvt. Ltd., 1-1-380/3, Gandhi Nagar, Hyderabad-500 080
2.	DCIT, Circle 2(1), Hyderabad.
3.	Pr. C I T-2, Hyderabad.
4.	CIT(Appeals)-2, Hyderabad.
5.	DR, ITAT, Hyderabad.
6.	Guard File.

By Order

Sr. Pvt. Secretary, ITAT, Hyderabad.