

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI R.S. SYAL, VICE PRESIDENT

आयकर अपील सं. / ITA No.1597/PUN/2019

निर्धारण वर्ष / Assessment Year : 2009-10

Sushila Eknath Sakore, S.No.42/2, Sahawas Bunglow, 15, Harikrupa Society, Ganesh Nagar, Wadgaon Sheri, Pune – 411 014 PAN : BZIPS4570D	Vs.	ITO, Ward-7(3), Pune
(Appellant)		Respondent)

Appellant by
Respondent by

Shri Deepak Sasar
Shri Rajesh Gawali

Date of hearing 04-05-2022
Date of pronouncement 04-05-2022

आदेश / ORDER

PER R.S.SYAL, VP :

This appeal by the assessee is directed against the order passed by the CIT (Appeals)-5, Pune on 19-06-2019 in relation to the assessment year 2009-10.

2. The only issue raised in this appeal is against not allowing exemption u/s.54F of the Income-tax Act, 1961 (hereinafter also called 'the Act') amounting to Rs.11,99,580/-.

3. Briefly stated, the facts of the case are that the assessee transferred certain property resulting into capital gain of Rs.18,55,910/-. Exemption u/s.54F of the Act was claimed by the

assessee. In the absence of any relevant documents in support of the claim, the Assessing Officer (AO) denied the benefit of the exemption. The Id. CIT(A) directed the AO to refer the valuation of the impugned property to the Divisional Valuation Officer (DVO) and then determine the income from long term capital gain in the assessee's case after obtaining the valuation report. Aggrieved thereby, the assessee has come up in appeal before the Tribunal.

4. Having heard both the sides and gone through the relevant material on record, it is seen that the assessee could not substantiate the case about the investment in the new property before the AO. The Id. AR has filed certain additional evidence in support of such investments. The Id. CIT(A) has directed the AO to refer the matter of valuation of the property to the DVO and thereafter determine income from long term capital gain. The Id. AR submitted that despite the direction having been given in the year 2019, the AO has still not given any effect to this direction. In the given facts, I am of the considered opinion that the order of the Id. CIT(A), in principle, does not require any interference. However, the AO is directed to expeditiously give effect to the order passed by the Id. CIT(A) and while determining the income

from long term capital gain, he should take into consideration the additional evidence filed by the assessee in support of investments. Needless to say, the assessee will be allowed reasonable opportunity of hearing.

5. In the result, the appeal is allowed for statistical purposes.

Order pronounced in the Open Court on 04th May, 2022.

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

पुणे Pune; दिनांक Dated : 04th May, 2022
Satisb

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent;
3. The CIT(A)-5, Pune
4. The Pr.CIT-4, Pune
विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, पुणे "SMC"
5. / 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	04-05-2022	Sr.PS
2.	Draft placed before author	04-05-2022	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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