

IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'C' BENCH,
NEW DELHI

BEFORE SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER, AND
SHRI YOGESH KUMAR U.S, JUDICIAL MEMBER

ITA No. 418/DEL/2019 [A.Y. 2013-14]

M/s Hema Engineering Industries Ltd
Sachidanand Farm House, Kishangarh,
Village [Near DDA Sports Complex]
Lane Green Avenue, Vasant Kunj
New Delhi.

Vs.

The. Dy. C.I.T
Circle 11(1),
New Delhi.

PAN : AAACH 0118 F

(Applicant)

(Respondent)

Assessee By : None

Department By : Ms. Anupama Singla, Sr. DR

Date of Hearing : 13.06.2022

Date of Pronouncement : 13.06.2022

ORDER

PER N.K. BILLAIYA, ACCOUNTANT MEMBER:-

This appeal by the assessee is preferred against the order of the Id.
CIT(A) - 4, New Delhi dated 30.11.2018 pertaining to Assessment Year
2013-14.

2. The solitary grievance of the assessee is that the ld. CIT(A) erred in confirming the addition made by the Assessing Officer amounting to Rs. 3,35,68,900/-.
3. None appeared on behalf of the assessee in spite of notice. We, therefore, decided to proceed ex-parte.
4. The ld. DR was heard at length. Case records carefully perused.
5. Briefly stated, the facts of the case are that the assessee is engaged in the business of manufacturing of auto parts for two wheelers and to some extent of four wheelers and other engineering items to its various manufacturing units.
6. During the course of scrutiny assessment proceedings, the Assessing Officer noticed that the assessee has sold Industrial Unit No. 15 admeasuirng 4050 sq mtrs. alongwith construction, with built-up area of 2754.71 sq mtrs situated in HSIDC, IMT Manesar District, Gurgaon, Haryana at a total sale consideration of Rs. 5.50 crores.

7. The assessee was asked to submit copy of sale deed which was duly submitted and on perusal of the same, the Assessing Officer found that the cost of value as per the circle rate was Rs. 8,85,68,900/-. The assessee was asked to explain as to why provisions of section 50C of the Act should not be applied on the given facts of the case.

8. In its reply, the assessee stated that the property was actually sold at Rs. 5.50 crores and the same should be accepted as total value of consideration received on transfer of the impugned asset.

9. Dismissing the submissions of the assessee, the Assessing Officer proceeded by adopting the stamp duty value rate as full value of consideration in light of provisions of section 50C of the Act and made addition of Rs. 3,35,68,900/-.

10. The assessee carried the matter before the Id. CIT(A) but without any success.

11. A perusal of the order of the Id. CIT(A) shows that the assessee raised objections before the Id. CIT(A) claiming that the Assessing Officer ought to have referred the matter to the Departmental Valuation Officer. We find that the Id. CIT(A) did ask the Assessing Officer to get the valuation report from the DVO, which the Assessing Officer called from the DVO and the DVO determined the market value of the impugned property at Rs. 12,86,55,700/-.

12. We further find that thereafter, the assessee submitted valuation report of some valuer, valuing the market value of the property at Rs. 5.50 crores. This valuation report was dismissed by the Id. CIT(A) holding that when the same was available at the time of assessment proceedings and even at the time of filing the appeal, it was never submitted and only after receiving the valuation report from the DVO, the assessee has submitted this valuation report.

13. We further find that the assessee did not point out any defect or error or infirmity in the determination of market value by the DVO. Though the stamp duty value is at Rs. 8,85,68,900/-, the same has been

valued by the DVO at Rs. 12,86,55,700/-, which means that the DVO has put the value on a higher side than the circle rate.

14. Considering the facts of the case in totality, we do not find any reason to interfere with the findings of the ld. CIT(A).

15. In the result, the appeal of the assessee in ITA No. 418/DEL/2019 is dismissed.

The order is pronounced in the open court on 13.06.2022 in the presence of the ld. DR.

Sd/-

**[YOGESH KUMAR U.S]
JUDICIAL MEMBER**

Sd/-

**[N.K. BILLAIYA]
ACCOUNTANT MEMBER**

Dated: 13th June, 2022.

VL/

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar,
ITAT, New Delhi

Date of dictation	
Date on which the typed draft is placed before the dictating Member	
Date on which the typed draft is placed before the Other Member	
Date on which the approved draft comes to the Sr.PS/PS	
Date on which the fair order is placed before the Dictating Member for pronouncement	
Date on which the fair order comes back to the Sr.PS/PS	
Date on which the final order is uploaded on the website of ITAT	
Date on which the file goes to the Bench Clerk	
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	