

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

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

Shri Anubhav Sharma, Judicial Member

ITA No. 955/Del/2020 : Asstt. Year : 2006-07

Vikramendra Prasad Bhalla, C-5/39, Safdarjung Development Area, New Delhi-110016	Vs.	Income Tax Officer, Ward-22(4), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. AANPB8241P		

Assessee by : None

Revenue by : Sh. M. Barnawal, Sr. DR

Date of Hearing: 18.07.2022

Date of Pronouncement: 01.08.2022

ORDER

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

The present appeal has been filed by the Assessee against the order of the Id. CIT(A)-8, New Delhi dated 30.01.2020.

2. The Assessee has raised the following grounds of appeal:-

*"1. AO has-wrongly rejected the claim of 'A' to allow set off carry forward of loss on speculative - business in AY 2005-06 [assessed u/s 143(3)] in normal profits of AY 2006-07 as all documents evidencing that 'A' is carrying on business of eligible transactions **and contract notes were produced before AO who took no cognizance of the same** and wanted to base his findings on reply of National Stock Exchange for which AO issued summons 133(6) to National Stock Exchange and as no reply was received inspite of reminder being issued to National Stock Exchange rejected the claim of 'A' to set off loss of Rs.54,84,520/- from loss of speculative business of AY 2005-06 with the normal profit of AY 2006-07. And 'A' prays that c/f of speculative loss of Rs.54,84,520/- be*

allowed forward / adjusted in normal profit of following year/ AY 2006-07.”

3. In the instant case, the conditions to be fulfilled by the assessee to claim the transaction as speculative transaction are twofold.

a. The transaction should be carried out electronically on screen based system through a broker.

b. Supported by a time stamped contract note issued by broker.

4. The assessee in the grounds of appeal filed asserted that contract notes were produced before the AO who took no cognizance of the same which led to disallowance of speculation loss claimed by the assessee.

5. Since, it is a matter of examination of the details already filed, we remand the matter to the file of Assessing Officer to examine the contract notes from the record. In case, the contract notes are not available on record, the assessee shall submit the same for the perusal of the Assessing Officer who shall allow the speculation loss after examination of the contract notes.

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

Order Pronounced in the Open Court on 01/08/2022.

Sd/-

(Anubhav Sharma)
Judicial Member

Dated: 01/08/2022

Subodh Kumar, Sr. PS

Sd/-

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