

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR BENCH, NAGPUR – VIRTUAL COURT

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.84/NAG/2018

निर्धारण वर्ष / Assessment Year: 2006-07

Smt. Hansa M. Kamdar, 152, Kamdar Bhawan, Sita- Buldi, Nagpur- 440012. PAN : ACPPK5995F	Vs.	ACIT (Central) Circle- 2(2), Nagpur.
Appellant		Respondent

Assessee by : None
Revenue by : Shri G. J. Ninawe

Date of hearing : 26.09.2022
Date of pronouncement : 07.11.2022

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of Id. Commissioner of Income Tax (Appeals)-3, Nagpur [‘the CIT(A)’] dated 11.01.2018 for the assessment year 2006-07.

2. Briefly, the facts of the case are that the appellant is an individual. The return of income for the assessment year 2006-07 was filed on 06.10.2006 declaring total income of Rs.1,17,846/-. Against the said return of income, the assessment was completed by the Assistant Commissioner of Income Tax, Central Circle-2(2), Nagpur vide order dated 23.10.2008 passed u/s 143(3) of the Income Tax Act, 1961 (‘the Act’) at a total income of Rs.18,34,720/-. While doing so, the Assessing Officer made

addition of Rs.17,16,878/- u/s 50C on the sale of land to Haldiram Group adopting the value adopted by the stamp valuation authority for stamp duty of Rs.75 lakhs as deemed consideration as against the appellant's consideration of Rs.27,79,500/-.

3. Being aggrieved by the above order of assessment, an appeal was filed before the ld. CIT(A) contending that when the appellant had objected adopting of the value for stamp duty as deemed consideration, the Assessing Officer should have referred the matter to the DVO for the purpose of determining of fair market value. However, the ld. CIT(A) dismissed the appeal confirming the action of the Assessing Officer.

4. Being aggrieved, the appellant is in appeal before me in the present appeal.

5. When the appeal was called on, none appeared on behalf of the appellant-assessee despite due service of notice of hearing.

6. On the other hand, ld. Sr. DR placing reliance on the order of the ld. CIT(A) submits that no interference is called for.

7. I heard the ld. Sr. DR and perused the material on record. I have carefully gone through the impugned order and find that the appellant had taken a plea that when an assessee objects the adoption of stamp value as deemed consideration u/s 50C, the Assessing Officer should refer the matter to the DVO for the purpose of determination of fair market value. However, the ld.

CIT(A) had ignored this submission and without dealing with this submission confirmed the action of the Assessing Officer. Therefore, I am of the considered opinion that in the interest of justice the matter requires remission to the Id. CIT(A) for *de novo* adjudication the issue in appeal in accordance with law. I order accordingly.

8. In the result, the appeal filed by the assessee stands partly allowed.

Order pronounced on this 07th day of November, 2022.

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 07th November, 2022.

Sujeet

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-3, Nagpur.
4. The Pr. CIT (Central), Nagpur.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर /
DR, ITAT, Nagpur.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

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