

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'E': NEW DELHI**

**BEFORE,  
SHRI SAKTIJIT DEY, JUDICIAL MEMBER  
AND  
SHRI ANADEE NATH MISSHRA, ACCOUNTANT MEMBER**

**ITA No.455/Del/2021  
(ASSESSMENT YEAR 2016-17)**

Sh. Manoj Nagpal U-11, Green Park Extn., New Delhi-110 016 PAN-AACPN 9670R <b>(Appellant)</b>	Vs.	Pr.CIT Delhi-4 <b>(Respondent)</b>
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Appellant by	Mr. Shreya Jain, Advocate
Respondent by	Mr. Jeetender Chand, Senior Departmental Representative ("Sr. DR" for short)

**ORDER**

**PER ANADEE NATH MISSHRA, AM:**

(A) This appeal by Assessee is filed against the order of Learned Principal Commissioner of Income Tax (Appeals), Delhi-4 ["Ld. Pr. CIT(A)", for short], dated 17/03/2021 for Assessment Year 2016-17. Grounds taken in this appeal are as under:

*"1. That having regard to facts & circumstances of the case. Ld. Pr.CIT has erred in law and on facts in assuming jurisdiction u/s 263 of Income Tax Act. 1 961 and has erred in holding the assessment order dated 12-12-2018 as erroneous as well as prejudicial to the interest of revenue and that too by recording incorrect facts and findings and in violation of principles of natural justice.*

2. That having regard to facts & circumstances of the case, Ld. Pr.CIT has erred in law and on facts in cancelling the assessment order dated 12-12-2018 and restoring the issues back to the file to the assessing officer for passing fresh assessment order in the light of observations/directions made in the 263 order and that too by recording incorrect facts and findings and without observing the principles of natural justice and more particularly when all the details/information/evidences were available on the record at the time of assessment proceedings.

3. That having regard to facts & circumstances of the case, Ld. Pr.CIT has erred in law and on facts in passing the impugned order u/s 263 and that too without providing the opportunity of being heard and in violation of principles of natural justice.

4. That having regard to facts & circumstances of the case, Ld. Pr.CIT has erred in law and on facts in observing that the interest paid on loan received has no nexus with the interest income earned and thus is not allowable expenditure.

5. That having regard to facts & circumstances of the case, Ld. Pr. CIT has erred in law and on facts in observing that the agricultural land sold by the assessee was not agricultural land and therefore gain arising on such transfer of agricultural land were chargeable to tax under the head 'Capital Gain'.

6. That having regard to facts & circumstances of the case, Ld. Pr. CIT has erred in law and on facts in observing that the cost of improvement claimed in respect of the land situated at Village Dhera-Mandi was not documentarily evidenced.

7. That having regard to facts & circumstances of the case, Ld. Pr. CIT has erred in law and on facts in observing that the deduction u/s 54 is not allowable to the assessee against the sale of house property and further that there was income from other sources of Rs.3,41,50,000/-.

8. In any view of the matter and in any case, order passed under section 263 is bad in law and against the facts and circumstances of the case & is barred by limitation.

9. *That the appellant craves the leave to add, amend, modify, delete any of the grounds of appeal before or at the time of hearing and all the above grounds are without prejudice to each other.”*

(A.1) At the time of hearing before us, the learned Counsel for the assessee submitted that the assessee wished to withdraw this appeal. A letter to this effect was also filed by the learned Counsel for the assessee. The learned Departmental Representative for Revenue expressed no objection to withdrawal of this appeal by the assessee. In view of the foregoing; and in the specific facts and circumstances of the present case, the appeal is dismissed being withdrawn.

(B) In the result, the appeal is dismissed as withdrawn.

This order was already pronounced orally on 17<sup>th</sup> November, 2022 in Open Court, in the presence of representatives of both sides, after conclusion of the hearing. Now this order in writing is signed today on 22/11/2022.

Sd/-  
**(SAKTIJIT DEY)**  
**JUDICIAL MEMBER**

Sd/-  
**(ANADEE NATH MISSHRA)**  
**ACCOUNTANT MEMBER**

Dated: 22/11/2022  
Pk

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR  
ITAT NEW, DELHI