

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES : C : NEW DELHI

BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER
AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER

ITA No.841/Del/2019
Assessment Year: 2015-16

Geetha Rangan,
D-4/19, Ground Floor,
Exclusive Floor,
DLF Phase-5,
Gurgaon,
Haryana.

Vs ITO,
Ward-1(5),
Gurgaon.

PAN: AJTPR7470H

(Applicant)

(Respondent)

Assessee by	:	None
Revenue by	:	Shri Siddharth B.S. Meena, Sr. DR
Date of Hearing	:	02.11.2023
Date of Pronouncement	:	02.11.2023

ORDER

PER ANUBHAV SHARMA, JM:

The appeal is preferred by the Assessee against the order dated 30.11.2018 of Commissioner of Income Tax (Appeals)-1, Gurgaon (hereinafter referred as Ld. First Appellate Authority or in short Ld. 'FAA') in appeal No.626/17-18, A.Y. 2015-16 arising out of an appeal before it against the order dated 14.12.2017 passed u/s 143(3)

of the Income Tax Act, 1961 (hereinafter referred as 'the Act') by the ITO, Ward 1(5), Gurgaon (hereinafter referred as the Ld. AO).

2. Heard and perused the record. When the case was called for hearing, none has appeared for the assessee. The record shows notices have been issued repeatedly including through RPAD and the Postal Authorities have reported that the assessee has left the address. No more opportunity is justified. The case was heard and the Id. DR supported the findings of the tax authorities below.

3. It comes up that the issue involved in the present appeal is a challenge of the disallowance of claim of Rs.51,53,370/- u/s 54 of the Act. During the year under consideration, the assessee had sold her house property for Rs.1,75,00,000/- on 22.04.2014. The said property was in the joint name with her husband, both having $\frac{1}{2}$ share each. The assessee's share in the sale consideration came to Rs.87,50,000/-. The property was acquired in the year 2004-05 for a consideration of Rs.33,71,841/- and the indexed cost of acquisition, accordingly, came to Rs.71,93,260/-. The assessee's share in the same was, thus, Rs.35,96,630/-. Hence, there was a long-term capital gain of Rs.51,53,370/-. The assessee claimed that she purchased a new property in the form of a flat in the residential complex of Tata Housing, Sector-72, Gurgaon and a copy of the agreement in the name of the assessee and two other co-owners, namely, Shri Ritwik Harith, who is the son of the assessee, and the husband of the assessee, was furnished. The vendor in this agreement was Shri Janak Raj Jindal, who is a resident of Delhi. The AO raised a query directing the assessee to furnish copy of

sale/purchase deed. No such document was furnished. On 12.12.2017, a copy of cancellation deed was filed and the assessee claimed that she has purchased another flat with revised villa number. The Ld. AO concluded that no document has been executed in favour of the assessee nor the capital gain was deposited under the Capital Gains Deposit Account Scheme. Accordingly, declining the deduction u/s 54 of the Act, the addition was made which was sustained by the Ld.CIT(A). The Ld. CIT(A) concluded that the assessee claimed to have purchased a new flat on 02.11.2016 which was subsequently changed to another flat on 17.02.2017 and these investments are beyond the period of two years. These factual aspects as discussed by the Ld. tax authorities below have not been controverted by any material on record. Therefore, no other opinion than the one formed by the Ld. tax authorities can be formed. The grounds raised have no substance.

4. In the result, the appeal of the assessee is dismissed.

Order pronounced in the open court on 02.11.2023.

Sd/-

(M. BALAGANESH)
ACCOUNTANT MEMBER

Sd/-

(ANUBHAV SHARMA)
JUDICIAL MEMBER

Dated: 02nd November, 2023.

dk

Copy forwarded to :

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

Asstt. Registrar, ITAT, New Delhi