

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC': NEW DELHI
BEFORE,
SHRI M. BALAGANESH, ACCOUNTANT MEMBER
ITA No.2450/Del/2023
(ASSESSMENT YEAR 2012-13)**

Vikas Arora C-4, Shop No.4 Dharamved Plaza Vasundhra, Sector-16 Ghaziabad -201 301 (U.P.) PAN-ASVPA 0961D	Vs.	Income Tax Officer Ward-2(2)(5) Ghaziabad
(Appellant)		(Respondent)

Assessee by	Sh. S.M. Mannzar, Adv. and Sh. Kamal K. Jatley, Adv.
Department by	Sh. Om Parkash, Sr. DR

Date of Hearing	18/01/2024
Date of Pronouncement	23/01/2024

ORDER

This appeal of the Assessee arises out of the order of the Learned Commissioner of Income Tax (Appeals)-National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'Ld. CIT(A)'] in DIN & Order No. ITBA/NFAC/S/250/2023-24/1054148582(1) dated 05/07/2023 against the order passed by Income Tax Officer, Ward-2(2)5, Ghaziabad (hereinafter referred to as the 'Ld. AO') u/s 144 of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') on 08/11/2019.

2. The Ground Nos.1,3 & 4 raised by the assessee are general in nature and does not require any specific adjudication.

3. The only issue to be decided in this appeal is as to whether the ld. CIT(A) was justified in confirming the addition made in the sum of Rs 16,25,000/- towards unexplained investment in purchase of property jointly with father in the facts and circumstances of the case.

4. I have heard the rival submissions and perused the materials available on record. The assessee is an individual and had filed his original return of income for the Asst Year 2012-13 declaring total income of Rs 1,99,270/-. It is not in dispute that the assessee had made jointly purchased an immovable property with his father Shri Mohinder Pratap Arora for Rs 32,50,000/- on 27.3.2012. Information was received in AIR regarding the said transaction by the ld. AO from the Sub-Registrar- IV, Ghaziabad. The assessee was sought to be reopened in the case of the assessee vide issuance of notice u/s 148 of the Act. The validity of reopening of assessment is not in challenge before me. The ld. AO concluded that the source for purchase of immovable property by the assessee to the tune of Rs 16,25,000/- (assessee's 50% share) remained unexplained and accordingly added to the total income of the assessee vide assessment framed u/s 144/147 of the Act dated 8.11.2019. Parallely, the assessment of the father Shri Mohinder Pratap Arora for the Asst Year 2012-13 was also framed by the ITO Ward 70(3), New Delhi u/s 143(3) r.w.s 147 of the Act on 27.11.2019, wherein

the very same transaction was sought to be examined as he was also the 50% owner of the property. The Assessing Officer in the case of the father had accepted the source for investment in property in the hands of the father of the assessee to the tune of Rs 31,50,000/-. Since the assessment of the father was completed subsequent to completion of assessment in the hands of the assessee herein, I deem it fit and appropriate to restore this issue to the file of ld. AO for fresh adjudication in the light of the assessment framed in the hands of the assessee's father. Accordingly, the Ground No.2 raised by the assessee is allowed for statistical purposes.

5. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 23rd January, 2024.

Sd/-
(M. BALAGANESH)
ACCOUNTANT MEMBER

Dated: 23/01/2024

Pk/sps

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI

