

आयकर अपीलीय अधिकरण “ए” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON’BLE SHRI MAHAVIR SINGH, VP AND
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.337/Chny/2022
(निर्धारण वर्ष / Assessment Year: 2015-16)

Harini Sampath # 7, Anna Avenue, Adyar, Chennai-600 020.	बनम / Vs.	ITO, International Taxation Ward-2(2), Chennai.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No.	BSZPS-7280-Q	
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri D. Anand (Advocate)- Ld. AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri AR V Sreenivasan (Addl.CIT)-Ld. DR

सुनवाईकी तारीख/ Date of final Hearing	:	09-04-2024
घोषणाकी तारीख / Date of Pronouncement	:	09-04-2024

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2015-16 arises out an order passed by learned Commissioner of Income Tax (Appeals)-16, Chennai [CIT(A)] on 11-03-2022 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s 143(3) of the Act on 28-12-2017. The sole grievance of the assessee is disallowance of cost of construction of building at Adyar while computing the capital gains. Having heard rival submissions, our adjudication would be as under. The assessee is a non-resident and sold a property during the year.

2. The assessee offered long-term capital gain of Rs.130.47 Lacs on sale of certain building. The Ld. AO disallowed cost of construction of building for want of adequate evidences and made addition of Rs.48.13 Lacs. This property was situated at Adyar which was jointly owned by the assessee and her sister.

3. During appellate proceedings, the assessee submitted that actual expenses incurred for building was Rs.3.11 crores and the assessee was entitled to claim 50% of the same. However, she made a claim only for Rs.1.50 Crores. The assessee furnished bank statement as additional evidence which was subjected to remand proceedings. The Ld. AO observed that amount of Rs.205.27 Lacs was received by M/s Devinarayanan Housing from Mrs. Ranjani Venkataraman who had been making payment on behalf of the assessee also. The total payment spent for construction was Rs.221.57 Lacs and 50% of the same would be allowable to the assessee. However, the assessee reiterated that the payment made to M/s. Devinarayanan Housing was Rs.254.34 Lacs which was evidenced from the bank statement. However, in absence of any confirmation, the Ld. CIT(A) confirmed stand of the Ld. AO and sustained addition of Rs.38.21 Lacs. Aggrieved, the assessee is in further appeal before us.

4. The Ld. AR has placed on record certificate dated 09.05.2022 from M/s Devinarayanan Housing which clearly states that credit received in their bank accounts towards contract receipts for the project work at Adyar aggregates to Rs.254.34 Lacs. We find that for this reason alone, Ld. CIT(A) did not concur with the stand of assessee and since now the assessee has filed the requisite confirmation, the impugned addition of

Rs.38.21 Lacs has no legs to stand. By deleting the same, we allow the appeal of the assessee.

5. The appeal stand allowed.

Order pronounced on 09th April, 2024.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated 09-04-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF