

आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI

महनीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
महनीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON'BLE SHRI MANU KUMAR GIRI, JM

आयकर अपील सं. ITA No.586/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2017-18)

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| Shri Seerangan Sagadevan 121, NDS Nagar, Yerikarai Road, Reddiyur, Alagapuram Salem-636 004. | बनम/ Vs. | ITO Ward-1(4) Salem. |
| स्थायी लेखासं./जीआइआरसं./PAN/GIR No. ARKPS-1328-L | | |
| (पीलार्थी/ Appellant) | : | (प्रत्यर्थी / Respondent) |

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| अपीलार्थी की ओरसे/ Appellant by | : | None |
| प्रत्यर्थी की ओरसे/ Respondent by | : | Shri S. Easwar (JCIT)-Ld. DR |

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| सुनवाई की तारीख/ Date of Hearing | : | 20-05-2024 |
| घोषणा की तारीख / Date of Pronouncement | : | 20-05-2024 |

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aforesaid appeal by assessee for Assessment Year (AY) 2017-18 arises out of an order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 30-01-2024 in the matter of an assessment framed by Ld. Assessing Officer [AO] u/s. 143(3) of the Act on 21-12-2019. At the time of hearing, none appeared for assessee. The Ld. Sr. DR pleaded for dismissal of the appeal.

2. In the assessment order, Ld. AO denied 5% of cost of construction of Rs.29.92 Lacs while computing capital gains since the assessee could not substantiate the same. The assessee produced certificate from the engineer wherein he had given completion certificate for Rs.31.60 Lacs. The Ld. CIT(A) upheld the disallowance.

3. We find that substantial cost was accepted by Ld. AO to the extent of 95% and therefore, there was no reason to make the impugned disallowance. The assessee had furnished certificate from engineer in this regard. Therefore, impugned disallowance has no merits. We delete the same and direct Ld. AO to re-compute the income of the assessee.

4. The appeal stand allowed.

Order pronounced on 20th May, 2024.

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| Sd/- (MANU KUMAR GIRI) न्यायिक सदस्य / JUDICIAL MEMBER | Sd/- (MANOJ KUMAR AGGARWAL) लेखक सदस्य / ACCOUNTANT MEMBER |
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चेन्नई Chennai; दिनांक Dated : 20-05-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

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