

आयकर अपीलीय अधिकरण
कोलकाता 'ए' पीठ, कोलकाता में
**IN THE INCOME TAX APPELLATE TRIBUNAL
KOLKATA 'A' BENCH, KOLKATA**

श्री संजय गर्ग, न्यायिक सदस्य
एवं
श्री राकेश मिश्रा, लेखा सदस्य
के समक्ष
Before

**SRI SANJAY GARG, JUDICIAL MEMBER
&
SRI RAKESH MISHRA, ACCOUNTANT MEMBER**

**I.T.A. No.: 721/KOL/2024
Assessment Year: 2020-21**

**Reba Roy.....Appellant
[PAN: ACOPR 4109 F]**

Vs.

AO, Ward-2(1), Coochbehar.....Respondent

Appearances:

Assessee represented by: Amit Agarwal, Adv.

Department represented by: Arup Chatterjee, CIT.

Date of concluding the hearing : July 2nd, 2024

Date of pronouncing the order : September 30th, 2024

ORDER

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order of the Commissioner of Income Tax (Appeals)-NFAC, Delhi [hereinafter referred to as Id. 'CIT(A)'] passed u/s 250 of the Income Tax Act, 1961 (hereinafter the 'Act') dated 20.02.2024 for the AY 2020-21.

2. The sole issue involved in this appeal is relating to the validity of addition of Rs. 72,35,643/- made by the Assessing Officer (hereinafter referred to as Id. 'AO') u/s 56(2)(x) of the Act on the alleged ground that the

assessee had purchased various immovable properties for a value which is less than the stamp duty value.

2.1. At the outset, ld. Counsel for the assessee has invited our attention to the registered Gift Deed to submit that the alleged transaction was in fact the gift of immovable property by the mother of the assessee to the assessee vide registered Gift Deed No. I-3940 dated 15.05.2019. Since the aforesaid transaction was by the Class-I relative of the assessee i.e. mother of the assessee to the assessee, therefore, the provisions of Section 56(2)(x) of the Act are not attracted in this case, hence, the impugned addition is not sustainable. Accordingly, the same is ordered to be deleted.

3. In the result, appeal of the assessee stands allowed.

Order pronounced in the open Court on 30th September, 2024.

Sd/-

[Rakesh Mishra]

Accountant Member

Sd/-

[Sanjay Garg]

Judicial Member

Dated: 30.09.2024

Bidhan (P.S.)

Copy of the order forwarded to:

- 1. Reba Roy, M/s. Roy & Co., Biswa Singha Road (North), Coochbehar, West Bengal, 736101.**
- 2. AO, Ward-2(1), Coochbehar.**
- CIT(A)-NFAC, Delhi.
- CIT-
- CIT(DR), Kolkata Benches, Kolkata.

//True copy //

By order

Assistant Registrar
ITAT, Kolkata Benches
Kolkata