

**IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, AHMEDABAD
BEFORE DR. BRR KUMAR ACCOUNTANT MEMBER**

**ITA No.1360/Ahd/2024
Asstt.Year : 2018-19**

Rajendrakumar Motiram Patel D-9, Rangsagar Tenements B/H. Krishnanagar Saijpur Bogha Ahmedabad 32 346 PAN : CDPPP 0257 H	Vs	The ITO, Ward-3(2)(1) Ahmedabad.
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(Applicant)		(Responent)
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Assessee by :	Shri Aseem Thakkar, CA
Revenue by :	Shri Ravindra, Sr.DR

सुनवाई की तारीख/Date of Hearing : 07/10/2024
घोषणा की तारीख /Date of Pronouncement: 07/10/2024

आदेश/ORDER

This is assessee's appeal against the order of the Id.Commissioner of Income Tax (Appeal), National Faceless Appeal Centre (NFAC), Delhi dated 17.05.2024 for the Asst.Year 2017-18 passed under section 250 of the Income Tax Act, 1961 ("the Act" for short).

2. The grounds raised by the assessee are as under:

1. *The Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi has erred in passing an Ex Parte Order dismissing the appeal without providing reasonable opportunity of being heard to the appellant. Hence the same being against the principles of natural justice and equity requires to be quashed.*

2. *The Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi has erred in confirming the addition of Rs.16,34,391/- made by the Assessing Officer computing the 25 percent share of appellant in excess of value of immovable property adopted by Stamp Value Authority over purchase consideration as alleged Notional Income u/s.56(2)(x) of the I. T. Act, 1961.*

3. *The Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi has erred in confirming the action of the Assessing Officer in adopting the purchase value of the immovable property as per the value adopted by the stamp duty authority at Rs.1,86,37,275/- as against the actual purchase value of the said property at Rs.*

1,10,00,000/- and stamp duty of Rs.10,99,9287- adopted by the appellant in the return of income filed while computing his 25 percent share in the same.

4. *The Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi has erred in confirming the action of the Assessing Officer in holding that the assessee has violated the provisions of sec.56(2)(x) of the Act and has under reported his income and therefore, penalty provision u/s.270A(l) attracts.*

5. *The Learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi has erred in confirming the action of the Assessing Officer in completing the assessment without referring the valuation of the property in question to the DVO and making additions on the basis of value adopted by the Stamp Valuation Authority.*

6. *The appellant craves leave to add, alter, amend or modify any of the grounds of appeal on or before the date of hearing of appeal.”*

3. Heard both the parties.

4. I find that the assessment order has been passed *ex parte*. The ld.counsel for the assessee submitted that the Revenue had adjudicated the similar case of one of the co-owner of the same property, which, the assessee would like to rely upon and the matter may be remanded to the ld.CIT(A) to consider the issue in totality.

Considering this submission of the ld.counsel for the assessee, I remand the matter back to the ld.CIT(A) for re-adjudication keeping in view the case of the co-owner of the property.

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

Dictated on the Open Court, typed and pronounced on 7th October, 2024.

Copy of this order be given to the assessee. The Registry is directed to dispatch as per procedure.

Sd/-
(DR. BRR KUMAR)
ACCOUNTANT MEMBER

Ahmedabad, dated 07/10/2024