

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC' NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 3431/Del/2024

Assessment Year: 2018-19

The Green Triveni Developer, 3H Uppal Plaza, M-6, Jasola District Centre, New Delhi-110025.	<u>Vs</u>	Income-tax Officer, Ward-2(2), Faridabad.
PAN: AAIFT 0406 B		
APPELLANT		RESPONDENT
Assessee by	Shri Rajat Agrawal, CA	
Department by	Shri Sanjay Kumar, Sr. DR	
Date of hearing	13.11.2024	
Date of pronouncement		

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee's appeal for assessment year 2018-19 arises against National Faceless Appeal Centre (NFAC), Delhi's DIN and order no. ITBA/NFAC/S/250/2024-25/1065187172(1), dated 28.05.2024, in case no. NFAC/2017-18/10011025, in proceedings u/s 143(3) of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Heard both the parties at length. Case file perused.

2. It emerges during the course of hearing that the learned counsel representing assessee confines to the correctness of both the lower authorities' action making short term capital gains addition of Rs. 20,84,804/- only to the extent that it represents an instance of double addition regarding his deemed dividend etc.

3. Faced with this situation the Revenue's case is that once the assessee is only seeking to delete double addition, the learned Assessing Officer could indeed be directed to verify the necessary facts. The assessee is equally fair in not contesting the Revenue's foregoing stand. I, therefore, deem it appropriate in these peculiar facts and circumstances that learned Assessing Officer's consequential computation shall ensure that there is no double addition made in assessee's hands on any issue, which shall be the latter's liability only to plead and prove all the relevant facts in consequential proceedings within three effective opportunities. Ordered accordingly.

4. This assessee's appeal is allowed for statistical purpose in above terms.

Order pronounced in open court on 27.11.2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

MP

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI