

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI
श्री एसएस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. No.2249/Chny/2024
निर्धारण वर्ष/Assessment Year: 2018-19

Vasudevan Balaji,
187-A, Z Block, 5th Street,
Anna Nagar, Chennai 600 040.

Vs. The Income Tax Officer,
Non Corporate Ward 7(1),
Chennai.

[PAN:AXMPB0416A]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Ms. T.V. Muthu Abirami, Advocate for
Shri N. Vijay Kumar, CA
प्रत्यर्थी की ओर से/Respondent by : Shri C. Murugresan, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 26.11.2024
घोषणा की तारीख /Date of Pronouncement : 27.11.2024

आदेश /O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 09.05.2024 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2018-19.

2. We find that this appeal was filed with a delay of 49 days. The assessee filed an affidavit for condonation of delay stating reasons for the said delay. Upon hearing both the parties and on examination of the

affidavit, we find that the reasons stated by the assessee are bonafide, which really prevented the assessee in filing the appeal in time and accordingly, we condone the delay and admit the appeal for adjudication.

3. Brief facts of the case are that assessee is an individual engaged in the business of real estate advisory and filed his return of income declaring total income of ₹.2,54,02,314/-, which includes agricultural income of ₹.2,50,06,770/-. The Assessing Officer requested the assessee to furnish documentary evidence regarding nature of land or purchase and sale deed of land. However, the assessee could not file any details before the Assessing Officer. Accordingly, the Assessing Officer disallowed the entire amount of ₹.2,50,06,770/- and computed as capital gain on sale of land and completed the assessment under section 143(3) r.w.s. 143(3A) & 143(3B) of the Income Tax Act, 1961 ["Act" in short] dated 10.03.2021. The Id. CIT(A) confirmed the order of the Assessing Officer since the assessee could not file purchase deeds/sale deeds for purchase and sales of agricultural land, name and address of parties from whom/ to whom lands were purchases and sold, source of fund invested, period of holdings of land, etc.

4. The Id. AR Ms. T.V. Muthu Abirami, Advocate for Shri N. Vijay Kumar, C.A. submits that due to the circumstances beyond his control,

the assessee could not furnish the supporting documents for purchase/sale of land, etc. She prayed to remand the matter back to the file of the Assessing Officer and undertook that the assessee is ready to furnish the documentary evidences for purchase/sale of land, etc.

5. The Id. DR Shri C. Murugesan, Addl. CIT vehemently opposed the same and submitted that the assessee failed to avail various opportunities afforded by the Assessing Officer for furnishing the documentary evidences.

6. Upon hearing both the parties, we note that the Assessing Officer as well as CIT(A) rejected the general submissions of the assessee in the absence of any credible supporting documents on record towards purchase and sales of land and other details. We note that the Id. AR undertakes that the assessee is ready to prosecute his case if this Tribunal afford an opportunity to the assessee before the Assessing Officer. Considering the facts and circumstances of the case and in the interest of justice, we deem it proper to remand the matter to the file of the Assessing Officer for fresh consideration after considering the documentary evidences as may be filed by the assessee towards purchase and sales of land and other details and decide the claim of the assessee in accordance with law. The assessee is at liberty to file

evidence in support of his claim. Thus, the grounds raised by the assessee are allowed for statistical purposes.

7. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced on 27th November, 2024 at Chennai.

Sd/-
(JAGADISH)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 27.11.2024

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.