

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'SMC', NEW DELHI
Before Sh. Satbeer Singh Godara, Judicial Member**

**ITA No. 3725/Del/2024
(Assessment Year: 2012-13)**

Jeevan Ohri, G-40, BK Dutt Colony, Lodhi Road, New Delhi (Appellant) PAN: AFBPJ8781K	Vs. Income Tax officer, National E- Assessment Centre, Delhi (Respondent)
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Assessee by :	Shri Mohit Sachdeva, CA
Revenue by:	Shri Sahil Kumar Bansal, Sr. DR

Date of Hearing	24/12/2024
Date of pronouncement	24/12/2024

ORDER

1. This assessee's appeal for Assessment Year 2012-13, arises against the order of CIT(A)/NFAC, Delhi dated 20.06.2024 in case No. ITBA/NFAC/S/250/2024-25/106587155 in proceedings u/s 147 of the Income Tax Act, 1961 (in short "The Act").
2. Heard both parties at length. Case files perused.
3. It emerges during the course of hearing that the assessee source of substantive grievance canvassed herein challenges correctness of both the lower authorities action making addition of Rs. 4.04 lakhs, in computation of the long term capital gains, which represents difference between actual sale price of Rs. 11 lakhs vis-à-vis that determined as Rs. 15.04 lakhs by the DVO; respectively.
4. Both the learned representatives reiterate their respective stands against and in support of the impugned addition. It is noticed in this factual backdrop that the assessee's as well as department's valuation are simply based on mere assumptions and presumption than based on any concrete supportive material. This being the

clinching case, the tribunal is of the considered view that a lump sum addition of Rs. 1 lakh only in the given facts would be just and proper with a rider that instant estimation shall not be treated as a precedent in any other case or assessment year, as the case may be. The assessee gets relief of Rs. 3.04 lakh in other words. Necessary computation shall follow as per law.

5. This assessee's appeal is partly allowed.
6. Order pronounced in the open court on 24/12/2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 24/12/2024
A K Keot

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi