

**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**“SMC” BENCH, AGRA**

**BEFORE HON’BLE SHRI SATBEER SINGH GODARA, JM AND  
HON’BLE SHRI MANOJ KUMAR AGGARWAL, AM**

**आयकरअपीलसं./ ITA No. 43/Agr/2021**  
**(निर्धारणवर्ष / Assessment Year: 2018-19)**

Shri Piyush Kumar Bagla 2, Court of Wards Compound Aligarh	<b>बनाम/ Vs.</b>	ITO, NFAC Delhi
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. <b>AGQPB-8087-J</b>		
(अपीलार्थी/ <b>Appellant</b> )	:	(प्रत्यर्थी / <b>Respondent</b> )

अपीलार्थीकीओरसे/ <b>Appellant by</b>	:	Shri Deepak (Advocate) - Ld. AR
प्रत्यर्थीकीओरसे/ <b>Respondent by</b>	:	Shri Shailendra Shrivastava – Ld. Sr. DR

सुनवाईकीतारीख/ <b>Date of Hearing</b>	:	12-02-2025
घोषणाकीतारीख / <b>Date of Pronouncement</b>	:	28-03-2025

**आदेश / O R D E R**

**Manoj Kumar Aggarwal (Accountant Member)**

1. Aforesaid appeal by assessee for Assessment Year (AY) 2018-19 arises out of an order of learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] dated 12-04-2021 in the matter of an intimation issued by CPC u/s 143(1) on 21-05-2019. Having heard rival submissions, the appeal is disposed-off as under.

2. From impugned order, it could be seen that the assessee sold 4 properties during the year and reflected Long Term Capital Gains of Rs.12.15 Lacs. However, CPC computed Capital Gains of Rs.16.85 Lacs thereby increasing the gains by Rs.4.69 Lacs. The Ld. CIT(A)

confirmed the computation of CPC against which the assessee is in further appeal before us.

3. It could be ascertained that the assessee has incurred Long Term Capital Loss of Rs.3.95 Lacs and Rs.0.74 Lacs on sale of two properties. However, it incurred Long Term Capital Gain of Rs.7.90 Lacs on third property against which the assessee claimed deduction u/s 54F for Rs.7.90 Lacs and thus, reducing the gain on third property to Nil. The assessee earned gain on fourth property for Rs.16.02 Lacs and adjusted loss of Rs.3.95 Lacs and Rs.0.74 Lacs against the same, which as per extant provision of intra-head adjustments are allowable to the assessee. However, CPC has clubbed the gains and restricted the addition u/s 54F to the extent of Rs.3.20 Lacs which has resulted into impugned adjustment in the hands of the assessee. We find that CPC has erred in not allowing intra-head adjustment which is clearly allowable to the assessee. Therefore, Ld. AO is directed to accept the gains as reflected by the assessee.

4. The appeal stand allowed.

*Order pronounced u/r 34(4) of Income Tax (Appellate Tribunal) Rules, 1963.*

*Sd/-*  
**(SATBEER SINGH GODARA)**  
न्यायिक सदस्य / JUDICIAL MEMBER

*Sd/-*  
**(MANOJ KUMAR AGGARWAL)**  
लेखा सदस्य / ACCOUNTANT MEMBER

Dated: 28-03-2025

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT AGRA