

**IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH, AGRA**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 56/Agr/2024
(Assessment Year 2011-12)**

Ramesh Chandra Sharma Village, Hayatpur Bhajera Post, Bhankari Niranjankot, Aligarh 202001	Vs.	Addl./JCIT(A)-1 Coimbatore, Karnataka
स्थायीलेखासं./जीआइआरसं./PAN/GIR No:AAJPI8653G		
Appellant	..	Respondent

Appellant by :	Sh. Pankaj Gargh, Adv
Respondent by :	Sh. Shalender Shrivastava, Sr. DR

Date of Hearing	10.02.2025
Date of Pronouncement	10.02.2025

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This assessee's appeal for assessment year 2011-12 arises against Additional/Joint Commissioner of Income Tax(Appeals)/National Faceless Appeal Centre [in short, the "Addl/JCIT(A)/NFAC"]-1 Coimbatore's DIN and Order No. ITBA/APL/S/250/2023-24/1058873589(1) dated 19.12.2023, involving proceedings u/s 143(3) r.w.s. 147 of the Income-tax Act, 1961, [hereinafter referred to as the 'Act'].

2. Heard both the parties at length. Case file perused.
3. Coming to the substantial issue between the parties regarding the correctness of the ld. lower authorities action in computing the assessee's long term capital gain amounting to Rs.13,57,969/- made in the course of assessment framed on 16.11.2018 as upheld in the lower appellate discussion, it emerges during the course of hearing that no reference u/s 50C(2) of the Act was made to DVO which has been held as mandatory in Sunil Kumar Agarwal Vs. CIT (372 ITR 82) (Cal.).
4. That being the clinching case as emanating from the case file, we restore the assessee's instant appeal back to learned Assessing Officer for his afresh adjudication in very terms. Ordered accordingly.
4. This assessee's appeal is allowed for statistical purposes.

Order Pronounced in the Open Court on 10.02.2025.

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 10.02.2025

PS: Rohit/Subodh, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR