

**IN THE INCOME TAX APPELLATE TRIBUNAL
JABALPUR BENCH, JABALPUR
(By Virtual Mode)
BEFORE SH. KUL BHARAT, VICE PRESIDENT
AND
SH. NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

ITA No.95/JAB/2024
A.Y. 2012-13

Payal Sukhramani, House No.128/3, First floor, Master Plan, Near Overbridge, Satna, Madhya Pradesh-485001	vs.	Income Tax Officer, Satna
PAN:BWDP3622L		
(Appellant)		(Respondent)

Assessee by:	Sh. Rahul Bardia, FCA
Revenue by:	Sh. Alok Bhura, Sr. DR
Date of hearing:	20.05.2025
Date of pronouncement:	22.05.2025

ORDER

PER NIKHIL CHOUDHARY, A.M.

This is an appeal filed by the assessee against the order of the Id. CIT(A), NFAC under section 250 of the Income Tax Act, 1961, dated 3.04.2024, dismissing the appeal of the assessee that was filed against the order of the ITO, Ward-2, Stana dated 9.12.2019. The grounds of appeal are as under:-

- “1. That the CIT (A) order is bad in law, facts void ab initio and without jurisdiction.*
- 2. That the Ld CIT Appeals failed to appreciate that the sale of shares was for a consideration of Rs 6,15,550 whereas addition made for Rs 24,25,650/- by mistake. The assessee made submission against ground No.2 regarding clerical mistake and also informed for rectification application filed on filed has been rejected.*
- 3. That the Ld CIT Appeals erred in sustaining addition for Rs 24,25,650 u/s 68 against sale of shares claimed as exmpet u/s 10(38).*
- 4. That The Ld CIT Appeals erred in invoking the provisions of section 115BBE against addition made u/s 68 for AY 2012-13.*
- 5. That the Ld CIT Appeals erred in sustaining the addition of Rs 1,23,263/- against alleged commission payment for transaction in shares.*

6. That the Ld CIT Appeals erred in sustaining the addition u/s 68 when the department relied upon statements of brokers/ others and these are not confronted to the assessee.
7. That the Ld CIT Appeals erred in sustaining the addition for Rs 24,25,650 and Rs 1,23,263 u/s 68 when no books of accounts is maintained by the assessee.
8. That the Id CIT Appeals erred in sustaining the addition u/s 68 without giving set off against purchase value of shares for Rs 20,000/-.
9. The appellant reserves the right to add or amend any ground of appeal.”

2. When the case was called out of for hearing, Sh. Rahul Bardia, FCA (hereinafter referred to as the 'ld. AR') submitted that the assessee had opted for the Direct Tax Vivad Se Vishwas Scheme, 2024 and Form No.2 had been issued to the assessee by the PCIT, Jabalpur on 6.02.2025. It was submitted that the assessee was desirous of withdrawing the appeal subject to the condition that if the tax dispute was not settled, it may be given liberty to approach the Tribunal again.

3. Sh. Alok Bhura, ld. Sr. DR (hereinafter referred to as the 'ld. Sr. DR') had no objection to the withdrawal of the appeal.

4. We have duly considered the facts of the case. In view of the submission made by the ld. AR and copy of Form No.2 which has been filed, the appeal of the assessee is dismissed as withdrawn. However, in the event that the tax dispute is not settled under the Direct Tax Vivad Se Vishwas Scheme, 2024, the assessee will be at liberty to approach the Tribunal again.

5. In the result, the appeal of the assessee is dismissed.

Order pronounced on 22.05.2025 in the open Court.

Sd/-

**[KUL BHARAT]
VICE PRESIDENT**

DATED: 22/05/2025

Sh

Copy forwarded to:

Sd/-

**[NIKHIL CHOUDHARY]
ACCOUNTANT MEMBER**

*ITA No.95/JAB/2024
A.Y. 2012-13
Payal Sukhramani*

1. Appellant –
2. Respondent –
3. CITDR , ITAT,
4. CIT,
5. The CIT(A)

By order
Sr. P.S.