

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: 'A' NEW DELHI**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER**

ITA No.221/Del/2025
Assessment Year: 2015-16

Sh. Javed, Vill.-Ghaghod, P.O.-Sarsawa, Saharanpur, Uttar Pradesh	Vs.	Income Tax Officer, Ward-3(3)(5), Saharanpur
PAN: APOPJ7576B		
(Appellant)		(Respondent)

Assessee by	Sh. Sanjay Kumar, CA
Department by	Sh. Rajesh Tiwari, Sr. DR

Date of hearing	19.05.2025
Date of pronouncement	19.05.2025

ORDER

PER SATBEER SINGH GODARA, JM

This assessee's appeal for assessment year 2015-16, arises against the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's DIN and order no. ITBA/NFAC/S/250/2024-25/1070411272(1), dated 18.11.2024 involving proceedings under section 144 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

2. Heard both the parties. Case file perused.

3. It emerges during the course of hearing at the outset that the sole substantive issue between the parties herein is that of correctness of both the learned lower authorities' action assessing short-term capital gains of Rs. 2,25,00,000/- in the assessee's hands, in assessment framed on 24th February, 2023 and upheld in the lower appellate discussion.

This is what leaves the assessee aggrieved.

4. That being the case, we sought to know from the Revenue side as to what was the short-term capital asset sold/transferred at the assessee's behest in the relevant previous year. All what has been argued from the department side is that the impugned addition is based on an information coming from the field authorities which the assessee has not been able to deny in both the lower proceedings. The fact, however, remains that there is not even an iota of discussion either in the assessment order or in the lower appellate discussion to this clinching effect that the assessee had transferred any of his capital asset in the relevant previous year. We thus conclude in this factual backdrop that the impugned short-term capital gains of Rs. 2,25,00,000/- hardly deserves to be

sustained since not supported by any corresponding corroborative evidence. The same is directed to be deleted therefore.

No other ground or argument has been pressed.

5. This assessee's appeal is allowed.

Order pronounced in the open court on 19th May, 2025

Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 19th May, 2025.

RK/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, New Delhi