



**IN THE INCOME TAX APPELLATE TRIBUNAL,  
RANCHI BENCH, RANCHI**

**BEFORES/SHRI GEORGE MATHAN, JUDICIAL MEMBER  
AND RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER**

**ITA No.303/RAN/2016**  
Assessment Year: 2013-14

Vishwanath Prasad Vishwakarma 108, Rajiv Path, Dimna Road, Mango, Jamshedpur	Vs.	Income Tax Officer, Ward 1(4), Jamshedpur
PAN/GIR No.ABQPV 7125 E		
<b>(Appellant)</b>	..	<b>( Respondent)</b>

Assessee by : Shri Devasis Sannigrahi, CA  
Revenue by : Shri Khub Chand Pandya, Sr DR

**Date of hearing : 10/06/2025**  
**Date of Pronouncement :10/06/2025**

**ORDER**

**Per Bench**

This is an appeal filed by the assessee against the order of the Id CIT(A), Jamshedpur dated 16.8.2026 in Appeal No. 36/JSR/2015-16 for the assessment year 2013-14.

2. Shri Khub Chand Pandya, Id Sr DR appeared for the revenue and Shri Debasis Sannigrahi, Id AR appeared for the assessee.

3. It was submitted by Id AR that the assessee, a retired employees of Tata Steel Limited had sold the house property on 27.7.2012. It was the submission that the sale consideration of the property was Rs.3,20,00,000/-. It was the submission that the assessee had filed his return of income declaring long term capital gains. In the computation of long term capital gains, the assessee had adopted the fair market value as on 1.4.1981 at Rs.25,49,000/-. It was the submission that the area of the property sold was 4320 sq. ft. It was the submission that the Assessing Officer had adopted the fair market value of the property as on 1.4.1981 at Rs.5,00,000/-. It was the submission that the assessee had applied reverse calculation to arrive at the valuation as on 1.4.1981 and the Assessing Officer had applied a comparative method. It was the submission that the property sold by the assessee was in the commercial area, whereas the comparative case taken by the AO was nowhere near the property which was sold by the assessee. It was the further submission that when there is a dispute in the valuation of the fair market value of the property, what was required do be done was that the valuation of the property to be referred to Department Valuation Officer (DVO). It was the submission that this has not been done. It was the submission that as the assessee has already disclosed capital gains and has also given justifiable value for the valuation of the property

as per the Registered valuation report, the value as adopted by the assessee as on 1.4.1981 is liable to be accepted.

4. In reply, Id Sr DR vehemently supported the order of the AO and Id CIT(A). It was the submission that the Assessing Officer has adopted an acceptable method of valuation being comparative case valuation. It was the submission that the valuation as adopted by the AO was more appropriate and the same is liable to be upheld.

5. We have considered the rival submissions. The assessee has given fair market value in respect of his property as on 1.4.1981. The Assessing Officer is disputing that valuation. The assessee and the AO have admittedly adopted the acceptable method of valuation. However, the Act requires that in the event of dispute in regard to valuation, the valuation is to be referred to the DVO. This has admittedly not been done. This being so, we are of the view that the addition as made by the AO by adopting the comparative case is not permissible. Consequently, the addition as made by the AO and confirmed by Id CIT(A) stands deleted.

6. In the result, appeal of the assessee stands allowed.

Order dictated and pronounced in the open court on 10/06/2025.

Sd/-  
**(RATNESH NANDAN SAHAY)**  
**ACCOUNTANT MEMBER**  
Ranchi; Dated 10/06/2025  
B.K.Parida, SPS (OS)

Sd/-  
**(GEORGE MATHAN)**  
**JUDICIAL MEMBER**

**Copy of the Order forwarded to :**

1. The Appellant : Vishwanath Prasad  
Vishwakarma 108, Rajiv Path, Dimna Road,  
Mango, Jamshedpur
2. The Respondent" ITO, Ward 1(4), Jamshedpur
3. The CIT(A)-Jamshedpur
4. Pr.CIT,Jamshedpur
5. DR, ITAT,
6. Guard file.  
//True Copy//

**By order**

Sr.Pvt.secretary  
**ITAT, Ranchi**

