

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AGRA BENCH, DB: AGRA  
(Through Physical / Virtual Hearing)**

**BEFORE SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER,  
AND  
SHRI BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

**ITA No.- 204 /Agr/2025  
[Assessment Year: 2016-17]**

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| Mamta Agarwal,<br>D-53, Industrial Estate,<br>ITI Road,<br>Aligarh-202001. | VS | PCIT,<br>Agra-1, Aaykar Bhawan,<br>Sanjay Place,<br>Agra-282002. |
| <b>PAN- AAQPA3404J</b>   |    |  |
| Assessee   |    | Revenue  |

**ITA No.- 205 /Agr/2025  
[Assessment Year: 2016-17]**

|   |    |  |
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| Rakesh Agarwal,<br>D-53, Industrial Estate,<br>ITI Road,<br>Aligarh-202001. | VS | PCIT,<br>Agra-1, Aaykar Bhawan,<br>Sanjay Place,<br>Agra-282002. |
| <b>PAN- AAOPA7790D</b>  |    |  |
| Assessee  |    | Revenue  |

|             |                                 |
|-------------|---------------------------------|
| Assessee by | Shri Rajiv Bansal, CA           |
| Revenue by  | Shri Sukesh Kumar Jain, CIT(DR) |

|                              |                   |
|------------------------------|-------------------|
| <b>Date of Hearing</b>       | <b>16.07.2025</b> |
| <b>Date of Pronouncement</b> | <b>13.10.2025</b> |

**ORDER**

**PER BRAJESH KUMAR SINGH, AM:**

Both these appeals have been preferred against the respective orders of the Ld. Principal Commissioner of Income Tax, Agra -1, ([in short (Ld. PCIT] both dated 21.02.2025 for the Assessment Year 2016-17, passed u/s 263 of the Income-tax Act, 1961(hereinafter referred to as 'the Act'). The respective Assessment Orders, subject matter of the orders passed u/s 263 of the Act, were passed by the Assessing Officer ('AO', for short) on 23.06.2022 and 30.05.2022 respectively under Section 147 of the Act, in the case of Ms. Mamta Agarwal and Shri Rakesh Agarwal by the ACIT, Circle 4(1)(1), Aligarh. Since identical issues are involved in both the appeals, these are disposed of by this consolidated order for the sake of convenience and brevity.

**ITA No.- 204/Agr/2024: First we take up this appeal for adjudication**

2. Brief facts of the case are: The assessee filed her return of income on 17.10.2016, declaring total income of Rs. 33,64,100/-.

The assessee is engaged in the business of manufacturing, export and sales against form H of electrical wiring accessories. The case was reopened u/s 147 of the Income Tax Act, 1961 ('the Act') by the AO, vide notice U/s 148 of the Act, dated 30.03.2021, on the ground that the assessee had purchased an immovable property, at a consideration significantly lower than the circle rate, thereby attracting the provision of section 56(2) (viib) of the Act. The AO noted that the actual total consideration for the said property was Rs. 4,71,04,002/-, while the Circle Rate for the same was Rs. 9,01,23,000/- and since the assessee had 1/3rd share in the property, the consideration paid by the Assessee was Rs. 1,57,01,334/- as per the submission of the Assessee to NFAC dated 04.02.2022. Out of this amount, Rs. 1,54,08,935/- was paid to the seller by the Assessee through cheque and the remaining amount of Rs. 2,92,399/- was deposited as TDS. The Assessee further requested for valuation of the property by Valuation Officer, contesting that the Circle Rate did not reflect the Fair Market Value (hereinafter referred to as 'FMV'). Thereafter, a reference was made to the Technical Unit by the AO, vide the letter dated 17-03-2022, by NFAC, for assistance in valuation and the District Valuation Officer,

Jaipur, in his valuation report, ascertained the FMV of the said property at Rs. 5,16,47,200/-, accounting for 1/3rd share of the Assessee, the FMV was arrived at Rs. 1,72,15,733/-.

2.1 Subsequently, a notice u/s 142(1) of the Act, was issued to the Assessee on 15.06.2022, asking as to why not the provisions of section 56(2)(viib) of the Act be applicable in her case. The assessee complied and submitted her response, dated 16.06.2022.

2.2 Further, in her reply dated 16.06.2022, before the AO inter-alia the assessee had relied upon various case laws to submit that the amendment to Section 50C by Finance Act, 2018 w.e.f. 01.04.2019, which provided that where the difference between the stamp duty valuation and the fair market value was less than 10% then the said difference was to be ignored, was to apply retrospectively w.e.f. 01.04.2003 the date of introduction of Section 50C of the Act and, therefore, her case was also covered by the said amendments as the difference between the stamp duty valuation and the FMV determined by the DVO was less than 10%. The relevant extract in para no. 10, 11, and 12 of the said submissions are reproduced as under:

*“ 10. That in the case of Maria Fernandes Cheryl ITA No. 4850/Mum/2019 A.Y. 2011-12 dated 15.01.2021 it was held that the amendment to Section 50 C of the Income Tax Act to be retrospective since its inception. The Hon'le Mumbai Tribunal held as under:*

*a) CBDT Circular No. 8/2018 which provides reasons for insertion of third proviso to Section 50C(1) read as follows It has been pointed out that the variation between stamp duty value & actual consideration received can occur in respect of similar properties in the same area because of variety of factors, including the shape of the plot or location."*

*b) The third proviso to Section 50C(1) was a remedial measure for unintended consequences of the main provision therefore, the third proviso comes into force with effect from the same date on which the main provision itself was brought into effect. There was no good reason for holding the curative amendment to be only as prospective in effect.*

*c) That the intention of the legislature was never to cause any hardship to the genuine taxpayers due to minuscule variation in the consideration vis-à-vis the SDV Legislature was compassionate to cure the shortcomings & obviate unintended hardships.*

*d) That it is well settled that a curative amendment to avoid unintended consequences is to be treated as retrospective even though it may not state so, the insertion of third proviso must be given retrospective effect from the time when the related legal provision was introduced.*

*e) That with respect to the retrospective application of enhanced tolerance band to 10%. it was ruled that there was no particular reason to justify any particular time frame for implementing the enhancement of tolerance band. There was no difference in genuine hardships due to bonafide factors, it was much valid then as it is now. Therefore, the enhanced tolerance band of 10% was held to retrospective in effect w.e.f. 1" April. 2003.*

*11. That in the case of Chandra Prakash Jhunjhunjwala Vs. DCIT ITA No. 2351/Kol/2017 it has been held that the amendment to Section 50C has to be retrospective in nature & considered to be applicable since the insertion of Section 50 C. Relevant part of the order is being reproduced as under:*

*"Accordingly, we hold that the insertion of third proviso to Section 50C is declaratory & curative in nature. The third proviso to Section 50C relates to computation of value of*

*property as explained by us above, hence it is not a substantive amendment, it is only a procedural amendment therefore the Coordinate Benches of the ITAT used to ignore the variation upto 10%, therefore, the said amendment should be retrospective. Therefore, even when the statute does not specifically state so, such amendments, in the light of the detailed discussions above, can only be treated as retrospective & effective from the date related statutory provisions was introduced. Thus the third proviso to Section 50 C should be treated as curative in nature & with retrospective effect from 1" April 03, the date which Section 50 C was introduced." (Para 12).*

*12. That it is clear that on the basis of on the basis of various court citations mentioned above FMV estimated by DVO should be taken as SDV. Moreover the difference in purchase consideration and valuation of FMV by DVO is also less than 10%, it should also be ignored in view of various court citations mentioned above & also on the basis of various court citations third proviso of section 50 C should be treated as curative in nature and with retrospective effect from 1" April, 2003, the date of Section 50 C introduced.*

*Hence no addition of difference of 10% in purchase consideration & FMV valued by DVO should be made in the returned income of the assessee."*

2.3 The AO after considering the abovementioned facts noted that the consideration paid by the Assessee was Rs. 1,57,01,334/- (1/3rd share is Rs. 4,71,04,002/-) and the FMV as determined by Departmental Valuation Officers.1,72,15,733.33/- (1/3rd of total Fair Market Value of Rs. 5,16,47,200/-). Accordingly, the AO noted that the difference between the consideration paid by the Assessee and Fair Market Value was Rs. 15,14,399.33/- (Rs. 1,72,15,733.33 – Rs. 1,57,01,334/-), and the difference between the actual

consideration and FMV, as determined by the Departmental valuation officer, was less than 10%. The AO thereafter, considering the amendment to section 50C of the Act and CBDT Circular no. 8/2018 in line with pronouncements of various Courts and Tribunals, which held that when the margin between the actual consideration and the value ascertained by Departmental valuer was less than 10%, noted that the said difference is liable to be ignored, for the purpose of Assessment.

2.4 Accordingly, the AO completed the assessment at total income of Rs. 33,64, 100/- as declared by the assessee.

3. Thereafter, the case was examined by the Ld. PCIT, Agra under the provision of section 263 of the Act. The Ld. PCIT issued show-cause dated 18.12.2024, by observing that Circular no. 8/2018 CBDT stated that the amendments to Section 50C takes effect from 1<sup>st</sup> April 2019 and will accordingly apply in relation to A.Y. 2019-20 and subsequent years and will not apply for A.Y. 2016-17 as was the case of the present assessee, and therefore, the difference of Rs. 15,14,399/- should have been added by the AO, which was not done by the AO. Accordingly, the Ld. PCIT show caused the assessee to

explain as to why, in view of these facts the assessment order passed in this case should not be treated as erroneous in so far as it was prejudicial to the interest of revenue and why it should not be revised u/s 263 of the Act.

4. In reply the assessee submitted that the difference of actual consideration paid by the assessee and fair market value valued by the District Valuation Officer (DVO) comes to Rs. 15,14,399 (Rs. 1,72,15,733 - Rs. 1,57,01,334) and this difference was less than 10% and the various High Courts and Tribunals have consistently taken a liberal approach in favour of the assessee and have held that where the difference between the value adopted by the assessee and value adopted by the DVO was less than 10% said the difference was to be ignored and the addition made by the AO in the cases relied by the assessee could not be sustained. The Ld. AR also submitted that the Ld. PCIT completely ignored the observation of the AO while making his observation about the provisions of Circular no. 8/2018, that it will apply only prospectively i.e. from A.Y. 2019-20, whereas the AO had considered amendment to section 50C of the Act and CBDT circular no. 8/2018 in line with pronouncements of various courts and Tribunals, which held that when the margin between the actual

consideration and the value ascertained by Department valuer is less than 10%, the difference is liable to be ignored for the purpose of assessment. The Ld. AR stated that the actual observations of the AO were reproduced for kind reference of the Ld. PCIT in her written submission as under:

*“Considering the amendments to section 50C of the Act and CBDT circular no. 8/2018 in line with pronouncements of various courts and Tribunals. When the margin between the actual consideration and the value ascertained by Department valuer is less than 10%, the difference is liable to be ignored for the purpose of assessment.*

.....

4.1 The Ld. AR further submitted that it was evident from above that the AO had considered Circular and also the pronouncements of various Courts and Tribunals which is as per law. The Ld. AR relied upon the following decisions to support her case:

- *Honest Group Hotels (P.) Ltd. vs. CIT (2002) 177 CTR (J & K) 232*
- *Rahul Construction vs. DCIT passed in ITA No. 1543/Pn/2007 (A.Y. 2004-05)*

4.2 The Ld. AR further relied upon the order of ITAT, Mumbai Bench in the case of Maria Fernandes Cheryl vs. ITO (IT)-2(3)(1), Mumbai, in ITA No. 4850/Mum/2019 for A.Y. 2011-12 dated 15.01.2021 and

of ITAT Kolkata Bench in the case of Chandra Prakash Jhunjhunawala vs. DCIT, ITA No.- 2351/Kol/2017, wherein it has been held that the amendment to section 50C has to be retrospective in nature and considered to be applicable since the insertion of section 50C of the Act. The Ld. AR reproduced the relevant part of the as under:

*“Accordingly. we hold that the insertion of third proviso to Section 50C is declaratory & curative in nature. The third proviso to Section 50C relates to computation of value of property as explained by us above, hence it is not a substantive amendment, it is only a procedural amendment therefore the Coordinate Benches of the ITAT used to ignore the variation upto 10%, therefore, the said amendment should be retrospective. Therefore, even when the statute does not specifically state so, such amendments, in the light of the detailed discussions can only be treated as retrospective & effective from the date related statutory provisions was introduced. Thus the third proviso to Section 50 C should be treated as curative in nature & with retrospective effect from 1<sup>st</sup> April 03, the date which Section 50 C was introduced.” (Para 12).”*

4.3. In view of the above submissions, it was submitted that the assessment order passed in this case cannot be held to erroneous and prejudicial to the interest of the revenue and requested the ld. PCIT to drop the said proceedings.

5. The Ld. PCIT did not agree with the above submission of the assessee that the amendment to sections 43CA,50C and 56(2)(vii) 50C of the Act and explained vide circular no. 8/2028 of CBDT was

declaratory and curative in nature and applies retrospectively because according to the Ld. PCIT it was well settled rule of interpretation that, unless the terms of a statute expressly so provide for necessarily require it, retrospective option should not be given to a statute, so as to take away or impair an existing right, or create a new obligation or impose a new liability otherwise than as regards matters of procedure. The Ld. PCIT relied upon the decision of the Hon'ble Apex Court in the case of Hitendra Vishnu Thakur vs. State of Maharashtra, AIR1994 S.C. 2623, Shyam Sunder vs. Ram Kumar (AIR 2001 S.C. 2472) and Scindia Steam Navigation Co. Ltd. (1961) 42-ITR-589 (SC), to hold that for an amendment of a statute to be construed as being retrospective, the amended provisions itself should indicate either in terms or by necessary implication that it was to operate retrospectively.

5.1 The Ld. PCIT again referred to the Circular No. 8/2018 of CBDT regarding rationalization of Section 43CA, Section 50C and Section-56(2)(viib) of the Act, and noted that it was clearly mentioned that the amendment was to take effect from 1st April 2019 and will accordingly apply in relation to AY 2019-20 and subsequent years. Therefore, according to the Ld. PCIT, the above-mentioned Circular

no.8/2018 issued by the CBDT was not applicable in the case of the assessee for A.Y. 2016-17. Thereafter, the Ld. PCIT following the various case laws mentioned in his order, held that the assessee was not eligible for the benefit of the amendment, which was not available for the year under consideration and therefore, the difference between the stamp duty value and sale consideration amounting to Rs. 15,14,399/- should have been added in the total income of the assessee, as per the provisions applicable for the year under consideration.

5.2. Thereafter, the Ld. PCIT observed that the position of law stands substantially altered with the insertion of Explanation 2 in section 263 of the Act by the Finance Act, 2015, wherein an assessment order passed without making inquiries for verification, which should have been made / conducted by the AO, would also be amendable to exercise of jurisdiction u/s 263 of the Act.

5.3 Accordingly, the Ld. PCIT relying upon various case laws as mentioned on page no. 9 to 10 of his order held that the assessment order dated 23.06.2022 passed under section 147 r.w.s. 144B of the I. T. Act, 1961 by the Assessing Officer was erroneous in so far as it

was prejudicial to the interest of the revenue and has been issued without making enquiries which should have been made by the AO, as discussed and mentioned in his order and cancelled said assessment order with directions to the Assessing Officer to pass a fresh order, denovo in respect of issue as discussed in para 8 and 9 of his order u/s.263, after providing due opportunity of being heard to the assessee.

6. Aggrieved by the said order, the assessee is in appeal before us on the following grounds:

ITA No.- 204/Del/2025

*“1. That the appellant craves leave to add/alter any of the grounds of appeal before or at the time of hearing.*

*2. That the order of the learned PCIT, Agra-1 is bad in law and facts of the case.*

*3. That the Id. PCIT, Agra-1 erred in passing revision u/s 263 of the Income Tax Act, 1961 revising assessment order passed u/s 143(3) read with Section 144B of the Income Tax Act on the issue that in the case of the appellant, the circular no. 8/2018 issued by the CBDT was not effective/applicable and the difference of Rs. 15,14,399-00 should have been added u/s 56(2)(viib) of the Act to the income of the appellant without appreciating that assessment order u/s 143(3)read with Section 144 B of the Income Tax Act is neither erroneous nor prejudicial to the interest of revenue as during assessment proceedings, Ld. AO NFAC had specifically raised queries pertaining to Circular 8/2018 issued by CBDT and difference of less than 10 percent in sales consideration and valuation of DVO for stamp value purposes and applicability of various court citations to accept the difference in sales consideration and valuation report of DVO was less than 10 percent.*

4. *After considering the provisions of CBDT circular and following judicial propriety and judicial discipline following various citations of High courts and Tribunal where difference of 10 percent in FMV and actual consideration was allowed from retrospective effect the AO NFAC accepted the returned income of the appellant in accordance with law and thus revision under section 263 is nothing but a change of opinion and hence order u/s 263 is bad in law. Hence the revisional order passed by learned PCIT, Agra-1, should be declared as null and void.*

5. *That the Ld. PCIT,-1, Agra erred in invoking the powers to him u/s 263 to the extent that the discretion of the AO NFAC in arriving at a conclusion after verification of facts and legal provisions and various court citations could not be taken away by invoking the provisions of section 263 of the Act. The powers conferred upon PCIT cannot be invoked merely for substitution the view of PCIT in place of Ld. AO NFAC as it is contrary to the purpose mentioned in Section 263 of the Act. The appellant had duly submitted his detailed submissions along with all the court citations about the addition of Rs. 15,14,399-00 as mentioned in notice issued u/s 263 about difference in sales consideration and value estimated by DVO for the purpose of stamp duty hence revision of assessment order is not correct on facts and in law in the case. Hence the revisional order passed by learned PCIT-1, Agra, should be declared as null and void.*

6. *That the Id. PCIT-1, Agra has mentioned that the appellant was not eligible for the benefit of the amendment which was not available for the year under consideration and therefore the difference between the stamp duty value and sale consideration should have been added in the income of the appellant as per the provisions applicable for the year under consideration on the basis of various court citations which were not applicable to the case of the appellant. Hence the revisional order passed by learned PCIT-1, Agra, should be declared as null and void.*

7. *That Id. PCIT-1, Agra has mentioned that the case laws cited by the appellant were not applicable to the facts of the case of the appellant as the facts were distinguishable. Failure to make proper enquiries/verification to arrive at the correct and complete facts and to apply the correct law made the assessment order erroneous in so far as prejudicial to the interest of revenue as has been held by various courts. These observations are based on wrong facts and against the provisions of law as various court citations mentioned in the order u/s 263 are not applicable to the case of the appellant. The order of AO NFAC is neither erroneous nor prejudicial to the interest of the revenue hence cannot be revised under Section 263 of the Income Tax Act,*

*1961. Hence the revisional order passed by learned PCIT-1, Agra, should be declared as null and void.”*

7. The Ld. AR reiterated its submission before the Ld. PCIT and submitted that as per the section 50C(2) of the Act, necessary enquiry in the case of the assessee with respect to the determination of the FMV of the property, was done by the AO, by referring the matter to the DVO under Section 142A of the Act as the assessee had submitted before the AO that the stamp valuation of the property was higher than FMV. It was further submitted that the AO after noting the fact that the difference between the actual consideration paid and the Fair Market Value of the disputed property, as determined by the Departmental valuation officer, was less than 10%, (details in para no. 2.3 of this order) and, considering the amendment to section 50C of the Act and CBDT Circular no 8/2018 in line with pronouncements of various Courts and Tribunals, which held that when the margin between the actual consideration and the value ascertained by Departmental valuer was less than 10%, the difference was liable to be ignored, for the purpose of Assessment and accepted the total income declared by the assessee. The Ld. AR further submitted that the Ld. PCIT only relied upon Circular no.

8/2018 and interpreted it that as the Circular stated that it was to apply from A.Y. 2019-20 and therefore, it could not be applied to the impugned A.Y. 2016-17, as in the case of the assessee but completely ignored the case laws relied upon by the assessee in reply to the show-cause issued to her wherein it has been held that the same will be applicable retrospectively also and therefore, the AO had correctly accepted the total income declared by the assessee. It was further submitted that no contrary decision was cited by the Ld. PCIT in his order in support of his contention that the amendment to Section 50C and Circular No. 8/2018 will not apply retrospectively as relied upon the assessee and the AO before not accepting the order of the AO and holding the assessment order passed by him to be erroneous in so far as it was prejudicial to the interest of the revenue. In view of these facts, it was submitted that the view of the Ld. PCIT was merely a change of opinion and therefore not supported by judicial precedents and was, therefore, the same was not sustainable and the same may be quashed.

8. The Ld. CIT(DR) relied upon the order u/s 263 of the Act, passed by the Ld. PCIT

9. We have heard both the parties and perused the material available on record. In this case, the assessee had filed her return of income declaring total income of Rs. 33,64,100/-. During the year, the assessee was engaged in the business of manufacturing, export and sale against Form-H of electrical wiring accessories. The assessment was completed u/s 143(1) at the returned income of Rs. 33,64,100/- by the CPC. Thereafter, the case was reopened u/s 147 of the Act, in the context of purchase of an immovable property by the assessee at the consideration of lower than the circle rate and the details of the said difference has already been discussed earlier in para nos. 2 and 2.3 of this order. As discussed above, the assessee requested the AO for valuation of property by Valuation Officer contesting that the circle rate did not reflect the FMV. Thereafter, on a reference by the AO to a DVO u/s 142(1) of the Act, the value of the said property was determined at Rs. 5,16,47,200/- as against the circle rate of Rs. 9,01,23,000/- and the assessee's share came to Rs. 1,72,15,733/-. The AO noted that the difference of the FMV as determined by the DVO and the amount paid by the assessee was Rs. 15,14,399/- (Rs. 1,72,15,733/- - Rs. 1,57,01,334/-) and the said difference between the actual consideration and FMV as determined

by the DVO was less than 10%. The AO thereafter, considering the amendment to section 50C of the Act and CBDT Circular no 8/2018 in line with pronouncements of various Courts and Tribunals, which held that when the margin between the actual consideration and the value ascertained by Departmental valuer was less than 10%, noted that the said difference is liable to be ignored, for the purpose of Assessment. Accordingly, the AO accepted the total income as declared by the assessee.

9.1 In this regard, the relevant extract of the Circular no. 8/2018 of the CBDT is reproduced as under:

*“regarding Rationalization of Section 43CA, Section 50C and Section-56 and in order to minimize hardship in ease of genuine transactions in the real estate sector, section-43CA, Section-50C and Section-56 of IT Act have been amended to provide that no adjustment shall be made in a case where the variation between stamp duty value and the sale consideration is not more than 5% of the sale consideration; The amendments take effect from 1st April 2019 and will accordingly apply in relation to AY 2019-20 and subsequent years.”*

Note: The above variation was enhanced to 10% by Finance Act, 2020, w.e.f. 01-04-2021.

9.2 As discussed above, the Ld. PCIT did not accept the above finding of the AO and held that the Circular No. 8/2018 of CBDT regarding rationalization of Section 43CA, Section 50C and Section-56, clearly mentions that the amendments will take effect from 1st April 2019 and will accordingly apply in relation to AY 2019-20 and subsequent years and held that the difference between the stamp duty value and sale consideration should have been added in the income of the assessee, as per the provisions applicable for the year under consideration.

9.3 However, the Ld. PCIT did not comment or give any contrary decision to the case laws relied by the assessee in reply to the show-cause issued to the assessee that the circular no. 8/2018 was to operate retrospectively which was considered by the AO in accepting the total income declared by the assessee relying upon the said decisions. We have noted that the assessee has relied upon the orders of the Ld. Co-ordinate Bench of Mumbai in the case of Maria Fernandes Cheryl vs. ITO (supra) and of the Kolkata Tribunal in the case of Chandra Prakash Jhunjhunawala vs. DCIT (supra), which have held that the amendment to section 50C brought into the Act by finance Act, 2018 w.e.f. 01.04.2019 was to apply retrospectively

w.e.f. 01.04.2003, when the section 50C was brought into statute. The Section 56(2)(vii) being pari- materia to section 50C of the Act, and the said Circular no. 8/2018 also amending the provisions of Section 56 of the Act, will be applicable to the case of the assessee also and will accordingly the benefit of the said amendment will apply retrospectively in the case of the assessee also and the difference of Rs. 15,14,399/- between the actual consideration paid and the FMV being less than 10% will have to be ignored for applying the provisions of Section 50(2)(vii) in the case of the assessee. Therefore, in the given facts of the case, the view of the Ld. PCIT is not supported by any judicial authority and therefore his action in holding the assessment order passed in this case to be erroneous as well as prejudicial to the interest of the Revenue is merely a change of opinion and the same is not sustainable and the same is quashed.

10. The facts and issues involved in ITA No. 205/Agr/2025 pertaining to A.Y. 2016-17 being identical to those in ITA No.- 204/Agr/2025, pertaining to A.Y. 2016-17, our findings and decision rendered therein shall apply mutatis mutandis to this appeal as well.

10. In the result, both the appeals of the assessee are allowed.

Order pronounced in the open court on 13<sup>th</sup> October, 2025.

**Sd/-**  
**[SUNIL KUMAR SINGH]**  
**JUDICIAL MEMBER**

**Sd/-**  
**[BRAJESH KUMAR SINGH]**  
**ACCOUNTANT MEMBER**

**Dated 13.10.2025.**

Pooja/

Copy forwarded to:

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

Asst. Registrar,  
ITAT, New Delhi,

|     |  |                                    |
|-----|--|------------------------------------|
| 1.  | Date of dictation of Tribunal order  | 04.09.2025,<br>6.10.25,<br>7.10.25 |
| 2.  | Date on which typed draft order is placed before the dictating Member                        | 09.09.25,<br>06.10.25,<br>07.10.25 |
| 3   | Date on which typed draft order is placed before the other Member (in the case of DB)        |                                    |
| 4.  | Date on which the approved draft order comes to P.S/Sr.P.S                                   |                                    |
| 5.  | Date on which the fair Order is placed before the dictating Member for sign                  |                                    |
| 6.  | Date on which the fair Order is placed before the other Member for sign ( in the case of DB) |                                    |
| 7.  | Date on which the Order comes back to P.S./Sr.P.S for uploading on ITAT website              |                                    |
| 8.  | Date of uploading, if not, reason for not uploading  |                                    |
| 9.  | Date on which the file goes to the Bench Clerk   |                                    |
| 10. | Date on which order goes for xerox   |                                    |
| 11. | Date on which order goes for endorsement   |                                    |
| 12. | Date on which the file goes to the Superintendent/O.S. for checking                          |                                    |
| 13. | Date on which the file goes to the Assistant Registrar for signature on the order            |                                    |
| 14. | Date on which the file goes to dispatch section for dispatch the Tribunal Order              |                                    |
| 15. | Date of dispatch of order  |                                    |
| 16. | Date on which file goes to Record Room after dispatch the order                              |                                    |