

IN THE INCOME TAX APPELLATE TRIBUNAL
JAIPUR BENCH "B", JAIPUR
BEFORE Dr. S. SEETHALAKSHMI, JUDICIAL MEMBER AND
SHRI GAGAN GOYAL, ACCOUNTANT MEMBER
ITA No. 769/JPR/2025 (A. Y. 2017-18)

Anju Sanghi,

31, Meghdhan Complex Ambabari,
Jaipur 302 023

PAN No.: AMTPS 3732L

..... Appellant

Vs.

ACIT, Circle-04,
Jaipur.

.....Respondent

Appellant by : Mr. Uma Shankar Sharda, CA. Ld. AR
Respondent by : Mr. Gaurav Awasthy, JCIT, Ld. DR
Date of hearing : 15/09/2025
Date of pronouncement : 15/09/2025

ORDER

PER GAGAN GOYAL, A.M:

This appeal by assessee is directed against the order of NFAC, Delhi dated 22.03.2025 passed u/s. 250 of the Income Tax Act, 1961 (in short 'the Act'). The assessee has raised the following grounds of appeal: -

- 1. UNDER THE FACTS & CIRCUMSTANCES OF THE CASE CIT (A) HAS ERRED BY CONFIRMING THE ADDITIONS MADE BY AO AS THE ASSESSEE EARNED LONG TERM CAPITAL GAIN OF Rs. 2, 04, 63,091/- AGAINST SALE OF IMMOVABLE PROPERTY ON IKRARNAMA AND INVESTED THE CAPITAL GAIN AMOUNT IN RESIDENTIAL HOUSE*

PROPERTY PURCHASED ON INKRARNAMA BY DISALLOWING THE CALIM OF THE ASSESSEE U/S. 54F OF THE INCOME TAX.

2. UNDER THE FACTS & CIRCUMSTANCES OF THE CASE CIT (A) HAS ERRED IN DISALLOWING THE BROUGHT FORWARD LONG TERM CAPITAL LOSS OF Rs. 6, 34,493/-.

3. UNDER THE FACTS & CIRCUMTANCES OF THE CASE CIT (A) HAS ERRED BY CONFIRMING THE APPLICATION OF SECTION 115BBE.

4. THE APPELLANT PRAYS THAT THE ADDITION OF Rs. 2, 10, 97,584/- MADE IN RESPECT OF DISALLOWANCE U/S. 69A BE DELETED.

5. THE ASSESSEE RESERVES THE RIGHT TO ADD, REDUCE, AND AMEND, WITHDRAW OF ALL OR ANY GROUNDS OF APPEAL.

2. The brief facts of the case are that the assessee filed her return of income on 31.10.2017 declaring total income at Rs. 52,34,970/-. The case of the assessee was selected for Limited Scrutiny under CASS. The assessee is proprietor of M/s. Sanghi Steel and partner in M/s. P.K. Industries and M/s. Auto Flux AV. The case of the assessee was assessed after disallowing exemption claimed u/s. 54F of the Act amounting to Rs. 2,04,63,091/- and set of B/f LTCG loss of Rs. 6,34,493/-. The assessee being aggrieved with the same preferred an appeal before the Ld. CIT (A), who in turn dismissed the appeal of the assessee and confirmed the order of the AO. The assessee being further aggrieved with the same preferred the present appeal before us.

3. We have gone through the order of the AO, order of the Ld. CIT (A), submissions of the assessee and grounds taken before us. It is observed that during the year under consideration, the assessee had sold factory shed and land situated at F-74, RIICO Industrial Area, Bindayaka, Jaipur vide IKRARNAMA dated: 18.04.2016 for a total sales consideration of Rs. 2.61 Cr. against this the assessee has invested the amount of capital gain in a new residential house property "Divine Residency" situated at 223, Sector-4, Chitrakoot, Jaipur for Rs. 2.11 Cr. To verify the claim of the assessee, notice u/s. 131 of the Act was issued to the

assessee and her statement was recorded on 15.11.2019. In her statement she confirmed that the building under consideration was in the form of an apartment and not a residential house. She purchased four flats in the said building and only total square feet area was mentioned in the said IKRARNAMA.

4. As per the assessee's statement, she bought Flat Nos. G-3, F-3, S-2 and S-3 with super built-up area of 5,196 Sq. Feet and covered area of 3,823 Sq. Feet. It is pertinent to mention here that the appeal of the assessee before the Ld. CIT(A) was decided ex-parte as none appeared on behalf the assessee on designated dates as mentioned in para 6 of the appeal order. Although the Ld. CIT (A), tried to discuss the merits of the matter also based on the documents available on record and considering the order of the AO. It is observed that the assessee produced before us the plethora of documents alongwith judicial pronouncements in her favour.

5. We have gone through the documents furnished by the assessee in her favour, e.g. Bank Statement, Copies of IKRARNAMA, Copy of her husband's income tax computation etc. Certainly, these documents have a bearing on the matter of the assessee, but not produced before the Ld. CIT (A) hence could not be considered by the Ld. CIT (A). In view of the above, we deem it fit to give another opportunity to the assessee before the Ld. CIT (A), resultantly, we restore the matter back to the Ld. CIT (A) with a direction to hear the matter again after giving the assessee a proper opportunity of being heard and simultaneously the assessee is also directed to participate in the proceedings before the Ld. CIT(A) without seeking any adjournment and produce all the relevant material, she wants to be relied upon.

6. In the result, based on the above, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open court on 15th day of September 2025.

Sd/-

Sd/-

(Dr. S. SEETHALAKSHMI)
JUDICIAL MEMBER

(GAGAN GOYAL)
ACCOUNTANT MEMBER

Jaipur, दिनांक/Dated: 15/09/2025

Copy of the Order forwarded to:

1. अपीलार्थी/The Appellant ,
2. प्रतिवादी/ The Respondent.
3. आयकर आयुक्त CIT
4. विभागीय प्रतिनिधि, आय.अपी.अधि., Sr.DR., ITAT,
5. गार्ड फाइल/Guard file.

BY ORDER,

//True Copy//

(Asstt. Registrar)
ITAT, Jaipur

	Details	Date	Initials	Designation
1	Draft dictated on PC on	15.09.2025		Sr.PS/PS
2	Draft Placed before author	15.09.2025		Sr.PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			JM/AM
5.	Approved Draft comes to the Sr.PS/PS			Sr.PS/PS
6.	Kept for pronouncement on			Sr.PS/PS
7.	File sent to the Bench Clerk			Sr.PS/PS
8	Date on which the file goes to the Head clerk			
9	Date of Dispatch of order			