

आयकर अपीलीय अधिकरण, “एस.एम.सी” न्यायपीठ, कटक

IN THE INCOME TAX APPELLATE TRIBUNAL “SMC” BENCH CUTTACK

(THROUGH VIRTUAL HEARING)

श्री जार्ज माथन, न्यायिक सदस्य के समक्ष ।

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER

आयकर अपील सं/ITA No.170/CTK/2025

(निर्धारण वर्ष / Assessment Year : 1998-1999)

Motilal Agarwal, Badabazar, Sambalpur768004	Vs	ITO, Ward-1(1), Sambalpur
PAN No. : ABRPA 6815 D		
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से / Assessee by	:	Shri Mark Wright, AR
राजस्व की ओर से / Revenue by	:	Shri Vijay Singh, Sr. D.R.
सुनवाई की तारीख / Date of Hearing	:	24/09/2025
घोषणा की तारीख/ Date of Pronouncement	:	24/09/2025

आदेश / ORDER

This is an appeal filed by the assessee against the order of the CIT(A), Sambalpur, Camp at Bhubaneswar, dated 04.11.2019 passed in Appeal No.0519/2015-16 for the assessment year 1998-1999.

2. The appeal of the assessee is barred by 1861 days. In this regard, the assessee has filed an application for condonation of delay supported by an affidavit stating therein sufficient reasons for delay in filing the present appeal, which are plausible and not found to be false. Accordingly, the delay of 1861 days in filing the present appeal by the assessee is condoned and the appeal is admitted for hearing.

3. It was submitted by the Id. AR that the assessment had originally been completed u/s.143(3) of the Act. In the course of assessment, valuation of the jewellery declared by the assessee under the VDIS, was

wrongly computed, insofar as the valuation report was wrongly given. It was the submission that the assessee had filed an application u/s.154 of the Act and the same was rejected on the ground that there was no mistake apparent from the record. It was the submission that the error in the valuation was rectifiable. It was the prayer that the Assessing Officer may be directed to reconsider the application u/s.154 of the Act after granting the assessee adequate opportunity of being heard.

4. In reply, Id. Sr. DR vehemently supported the order of the Id.AO and Id.CIT(A).

5. I have considered the rival submissions. A perusal of the facts of the present case clearly shows that the error mentioned by the assessee in the rectification application is in regard to the valuation report submitted by the assessee. The assessee admits that there is an error on the valuation. This being so, I am of the view that the AO should re-examine the new valuation report submitted and if there is an actual error, it should be considered, insofar as arithmetical errors are rectifiable in a rectification application. With the above directions, the issues in this appeal are restored to the file of Id. AO for readjudication of the rectification application after granting the assessee adequate opportunity of being heard.

6. In the result, appeal of the assessee is partly allowed for statistical purposes.

Order dictated and pronounced in the open court on 24/09/2025.

Sd/-
(जार्ज माथन)
(GEORGE MATHAN)
न्यायिक सदस्य / JUDICIAL MEMBER

दिनांक Dated 24/09/2025

Prakash Kumar Mishra, Sr.P.S

आदेश की प्रतिलिपि अग्रहित/Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant- **Motilal Agarwal,**
Badabazar, Sambalpur-768003
2. प्रत्यर्थी / The Respondent- **ITO, Ward-1(1), Sambalpur**
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, **कटक / DR, ITAT,**
Cuttack
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

(Assistant Registrar)
आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack