

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

**BEFORE : SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER
AND
SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER**

**ITA Nos. 80, 255 & 278/Agr/2025
Assessment Years: 2018-19, 2020-21 & 2020-21**

Surendra Kumar Agarwal, C/o Surendra Kumar Agarwal & Bros., B-24, Galla Mandi, Mauranipur (UP).	Vs.	Income-tax Officer, Ward 2(3)(5), Jhansi.
PAN :AFQPA2033N		
(Appellant)		(Respondent)

Assessee by	Sh. Sanjeev Agarwal, CA
Department by	Sh. Shailendra Srivastava, Sr. DR

Date of hearing	14.10.2025
Date of pronouncement	27.10.2025

ORDER

PER : SUNIL KUMAR SINGH, JUDICIAL MEMBER:

ITA No. 80/Agr/2025 has been preferred by assessee against the impugned order dated 10.01.2025 passed in Appeal No. NFAC/2017-18/10011331 by the Ld. Commissioner of Income-tax (Appeals), NFAC, Delhi u/s. 250 of the Income-tax Act, 1961 (hereinafter referred to as "the Act") for the assessment year 2018-19, wherein the Id. CIT(Appeals) has dismissed assessee's appeal. ITA Nos. 255 & 278/Agr/2025 have been filed by assessee against the same impugned order dated 11.03.2025

passed in appeal No. NFAC/2019-20/10166946 by the Ld. Commissioner of Income-tax (Appeals), NFAC, Delhi u/s. 250 of the Act for the assessment year 2020-21, wherein the Id. CIT(Appeals) has dismissed assessee's first appeal.

2. Since the facts and issue involved in all these appeals are almost similar, these appeals were heard together and are being disposed of by this consolidated order for the sake of convenience and brevity. The facts of ITA No. 80/Agr/2025 are only being narrated as under :

ITA No. 80/Agr/2022 (A.Y. 2018-19):

3. The brief facts state that the assessee is an individual and doing business of food grains. He filed return of income for A.Y. 2018-19, declaring total income from business at Rs. 2,84,852/- and Rs.18,39,483/- as income from long term capital gains on the sale of property. The return was processed u/s. 143(1) of the Act. Subsequently, the case was selected for scrutiny under CASS on the issue of "sale consideration of property shown in ITR is less than the value as per stamp authority". Statutory notices u/s. 143(2) and 142(1) of the Act were issued and served upon the assessee. After considering assessee's response, Assessing Officer determined the long-term capital gain at Rs.1,14,71,483/- and added it to the income of the assessee.

4. Aggrieved, assessee preferred first appeal before Id. CIT(Appeals) against the assessment order dated 21.04.2021 passed u/s. 143(3) r/w section 144B of the Act. Learned CIT(Appeals), after considering the details filed by assessee, dismissed assessee's appeal.

5. Appellant assessee has approached this Tribunal in second appeal on the following grounds :

“1. The learned CIT (A) has erroneously upheld an addition of Rs. 96,32,000/-(Rupees Ninety-six lac thirty-two thousand only) and computed the long-term capital gain at Rs. 1,14,71,483/-on account of the difference between the circle value and the fair market value of the land.

2. On the facts and in the circumstances of the case and in law the CIT (A) erred in confirming the addition without appreciating the evidence and arguments submitted by the appellant.

3. That on the facts and in the circumstances of the case, the learned CIT(A) grossly erred in sustaining the addition made by the learned AO in respect of the long-term capital gain without discussing the valuation report submitted by the DVO and the objections raised by the Appellant.”

6. Perused the records. Heard learned representative for assessee and learned Sr. DR for revenue.

7. The sum and substance of all the grounds raised under appeal is as to whether Id. CIT(Appeals) has upheld the aforesaid addition in respect of long-term capital gain without taking DVO's valuation report and assessee's objections to it into consideration ?

8. Learned representative for assessee has submitted that Id. CIT(Appeals) has not considered the valuation report submitted by the DVO and assessee's objections in respect thereof filed on ITBA portal. Hence, the impugned order be set aside.

9. Learned DR has supported the impugned order.

10. The factum of valuation report submitted by the DVO has not been questioned by the revenue. Perusal of the impugned order dated 10.01.2025 passed by Id. CIT(Appeals) shows that the assessee made submissions before the Id. CIT(Appeals) that the Assessing Officer completed the assessment without considering the valuation report, which was pending for submission. We notice that the Id. CIT(Appeals), though mentioned this fact in para-5 of the impugned order in the form of assessee's submissions, however, ignored the fact of valuation report from being considered before passing the impugned order. In such circumstances, we deem it just and proper to restore the matter back to the file of Id. CIT(Appeals) for considering the valuation report submitted by DVO and assessee's submissions thereon and pass order a fresh in accordance with law. We order accordingly. Needless to say that learned CIT(A) shall ensure the observance of the principles of natural justice. The appeal is thus liable to be allowed for statistical purposes.

ITA No. 255/Agr/2025 :

11. The facts and issue involved in this appeal is almost identical except that the assessment was completed without making any reference to the DVO, as stated in para 5 of the impugned order. Assessee's objections in respect of the valuation also do not seem to have been considered by the first appellate authority. Hence, our finding recorded in this respect in ITA No. 80/Agr/2025, shall *mutatis mutandis* apply in this appeal too. Accordingly, this appeal is liable to be allowed for statistical purposes.

ITA No. 278/Agr/2025:

12. This appeal is the duplication of ITA No. 255/Agr/2025. During the course of arguments, learned representative for assessee has orally prayed for withdrawal of this appeal. Assessee's prayer is accordingly accepted and this appeal is liable to be dismissed as withdrawn.

13. In the result, ITA No. 80 and 255/Agr/2025 are allowed for statistical purposes. ITA No. 278/Agr/2025 is dismissed as withdrawn.

Order pronounced in the open court on 27.10.2025.

**Sd/-
(S. RIFAUR RAHMAN)
ACCOUNTANT MEMBER**

**Sd/-
(SUNIL KUMAR SINGH)
JUDICIAL MEMBER**

Dated: 27.10.2025

*aks/-

Copy forwarded to:

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

Asst. Registrar, ITAT, Agra