

**IN THE INCOME TAX APPELLATE TRIBUNAL,
DELHI BENCH: "SMC" NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No.6221/Del/2025
Assessment Year: 2012-13

Sh. Atul Kumar Gupta, B-91, 2 nd Floor, Ardee City, Sector-52, Gurgaon	Vs.	Income Tax Officer, Ward-1(5), Gurgaon
PAN: ADRPG4109N		
(Appellant)		(Respondent)

Assessee by	Sh. Nagesh Behl, Adv.
Department by	Sh. Manoj Kumar, Sr. DR

Date of hearing	24.11.2025
Date of pronouncement	24.11.2025

ORDER

This assessee's appeal for assessment year 2012-13 arises against the Commissioner of Income Tax (Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's DIN and order no. ITBA/NFAC/S/250/2025-26/1079369562(1), dated 07.08.2025 involving proceedings under section 143(3) r.w.s. 147 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act').

Heard both the parties. Case file perused.

2. Coming to the assessee's sole substantive ground raised herein challenging both the learned lower authorities' action adding/assessing long-term capital gains of Rs.1,19,43,998/- in

his hands in assessment order dated 06.12.2019 as upheld in the lower appellate discussion, it is noticed from a perusal of the case records that he happens to be the co-owner to the extent of 1/5th share; along with his brothers/father in sale/transfer of the capital asset at Karol Bagh, New Delhi for total sale consideration of Rs.16.55 crores.

3. That being the case, the assessee invites the tribunal's attention to pages 65 in the case records wherein the DVO had submitted his report on 21st July, 2023 regarding the very capital asset in his brother Sh. Arun Kumar Gupta's case determining the cost of acquisition of Rs.1,25,70,400/- as on 01.04.1985. Faced with this situation, the tribunal is of the considered view that the learned departmental authorities ought to go by the foregoing valuation only as the same is very much binding on them as per (2013) 30 taxmann.com 293 (All.), CIT Vs. Dr. Indra Swaroop Bhatnagar. It is thus deemed appropriate to restore the assessee's instant sole substantive ground back to the learned Assessing Officer for afresh computation of the assessee's long-term capital gain in light of the said DVO's report as per law.

4. This assessee's appeal is allowed in above terms.

Order pronounced in the open court on 24th November, 2025

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

Dated: 24th November, 2025.

RK/-

Copy forwarded to:

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

Asst. Registrar, ITAT, New Delhi