

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'SMC' NEW DELHI**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER**

**ITA No. 6675/Del/2025**  
**Assessment Year: 2018-19**

<b>M/s Islami Academy Trust, D-320, Dawat Nagar, Abul Fazl Enclave, Jamia Nagar, New Dehi-110025.</b>	<u>Vs</u>	Income Tax Officer, Ward Exemption-1(2), Delhi.
<b>PAN: AAATI 5312 B</b>		
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Assessee represented by</b>		<b>Sh. Anandi Prasad, CA</b>
<b>Department represented by</b>		<b>Shri Manoj Kumar, Sr. DR</b>
<b>Date of hearing</b>		<b>27.11.2025</b>
<b>Date of pronouncement</b>		<b>27.11.2025</b>

**ORDER**

**PER SATBEER SINGH GODARA, JM:**

This assessee's appeal ITA no. 6675/Del/ /2025 for assessment year 2018-19 arises against CIT(A)/ NFAC, Delhi's order dated 26.08.2025 (DIN & Order No. ITBA/NFAC/S/250/2025-26/1080012800(1), in proceedings u/s 143(3) of the Income-tax Act, 1961, hereinafter referred to as the 'Act'.

Heard both the parties. Case file perused

2. It transpires during the course of hearing that both the learned lower authorities have held the assessee to have derived long term capital gains on alleged sale of its twin plots amounting to Rs. 11,46,139/-; on account of

difference between the actual sale price of Rs. 32 lakhs vis a vis stamp value price thereof coming to Rs. 36,13,000/-; respectively in assessment order dated 11.02.2021 as upheld in the lower appellate discussion.

3. That being the case, learned counsel submits that both the lower authorities nowhere made any statutory reference u/s 50C(2) of the Act to the DVO which has been held as mandatory in nature in Sunil Kumar Agarwal v. CIT (2014) 372 ITR 83 (Cal.). This factual position has gone unrebutted from the Revenue side. This tribunal, therefore, finds merit in the assessee's instant first and foremost legal argument and remits the matter back to the learned Assessing Officer for his fresh adjudication as per law. It is made clear that the learned Assessing Officer's consequential computation shall only assess the assessee's capital gain qua the plots sold/transferred in the relevant assessment year. Ordered accordingly.

All other issues between the parties are kept open at this stage.

4. This assessee's appeal is allowed for statistical purposes.

Order pronounced in open court on 27.11.2025.

**Sd/-**  
**(SATBEER SINGH GODARA)**  
**JUDICIAL MEMBER**

**Dated: 28.11.2025.**

\*MP\*

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR  
ITAT, NEW DELHI

