

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

BEFORE SHRI SONJOY SARMA, JUDICIAL MEMBER AND  
SHRI RATNESH NANDAN SAHAY, ACCOUNTANT MEMBER

ITA No. 440/Ran/2024  
(Assessment Year-2018-19)  
(Virtual Hearing)

Sarbjeet Kour, T2/57, Ashok Road, East Singhbhum, Telco Works SO, Jamshedpur-831004. <b>PAN No. BQAPK 7229 Q</b>	Vs.	A.C.I.T., Central Circle, Jamshedpur.
Appellant/ Assessee		Respondent/ Revenue

Assessee represented by	Shri Nitin Pasari and Shri Shubham Choudhary, A.Rs.
Department represented by	Shri Khubchand T. Pandya, Sr.DR
Date of hearing	07/11/2025
Date of pronouncement	19/01/2026

**ORDER**

**PER: RATNESH NANDAN SAHAY, A.M.**

1. This appeal by the assessee is directed against the order of the learned Commissioner of Income Tax (Appeals), Patna-3, Patna [in short, the Id. CIT(A)] dated 25/09/2024 for the Assessment Year (AY) 2018-19. The assessee has raised following grounds of appeal:

- "A *FOR THAT, the entire proceedings carried out by the Jurisdictional Assessing Officer purportedly in exercise of powers under the amended provisions of Income Tax Act, 1961, viz. 147, 148, 148A, and orders, if any, is directly in conflict with Notification bearing No. 18/2022 dated 29.03.2022 issued by Central Board of Direct Taxes and as such is beyond jurisdiction.*
- B. *FOR THAT, a perusal of the entire records of the case would transpire that the notices issued during the course of the Assessment Proceeding has been issued by the Jurisdictional Assessing officer whereas it ought to have been conducted in a faceless manner in accordance with Section 144B with has been inserted by virtue of the Finance Act, 2021, with effect from 01.04.2021 which provides for Faceless Assessment.*
- C. *FOR THAT, the codification of Sections 148 and 148A, Section 149 was further modified to state that any case can be reopened within three years from the*

*time of end of relevant assessment year as under clause (a) of Section 149(1), if there is information with the Assessing Officer that suggests that there is escapement of income as provided under Explanation 1 to Section 148, and up to 10 years as provided in Clause (b) of Section 149(1) in certain exceptional cases, defined as circumstances where income chargeable to tax, within the meaning of "asset" that has escaped assessment amounts to or is likely to amount to Fifty Lakh (Rs. 50,00,000/-) or more in that year.*

- D. *FOR THAT, the entire proceeding has been carried out in gross violation of principles of natural justice inasmuch as even after making a specific request for grant of personal hearing, the Appellant was not given an opportunity of being heard.*
- E. *FOR THAT, the Assessment Order as also the Appellate Order has been passed without due application of judicious mind, inasmuch as, the provision of Section 56(2)(x) has to be read in its entirety and reliance cannot be placed only on a portion of any provision inasmuch as in the case of the Appellant, third proviso of Section 56(2)(x) is of much relevance which provides that where the Assessee disputes the value adopted by the Stamp Valuation Authority, aid of Subsection 2 of Section 50C had to be taken and a valuation officer should be appointed, which has not been done in the instant case.*
- F. *FOR THAT, during the course of hearing of the First Appeal, the Appellant duly furnished a valuation report before the Ld. CIT(Appeal), Patna-3, prepared by a registered valuer of Immovable Property, who is also appointed by the Income Tax Department for carrying out valuation. However, the same was not even considered by the Appellate Authority.*
- G. *FOR THAT, during the course of the assessment proceeding, the husband of the Appellant was severely ill and was hospitalized due to which she was not in a condition to instruct or actively participate in the Proceeding, hence, the valuation report could not be submitted during the course of Assessment Proceeding since the same was in the possession of the Appellant.*
- H. *FOR THAT, other and further ground of Appeal, if any, shall be urged at the time of hearing of this Appeal.*

2. Facts of the case, in brief, are that the assessee is an individual, who is deriving income from salary. Return of income under Section 139(1) of the Income Tax Act, 1961 (in short, the Act) was filed on 27/08/2018 declaring total income of ₹ 1,93,190/-. The case was reopened under Section 148 of the Act on the ground that *"An SFT verification survey was conducted by the I&CI Unit of the department District Sub-Registrar Office, Jamshedpur. In this survey, it was revealed that the assessee has registered the property for the*

*consideration which was less than the value of the property as per stamp duty. The information in this case was shared with the office of the erstwhile PCIT, Jamshedpur who disseminated the information to this ward with the direction to examine these cases for applicability of section 50C/43CA/56(2)(x)(b) of the I.T. Act.*

*As per the information available on record in this office, it is seen that the assessee has undertaken the following financial transactions involving purchase of immovable property during financial year 2017-18 relevant to AY 2018-19:*

<i>Name of Purchaser</i>	<i>REGD. VALUE</i>	<i>REGDSTDOC.VALUE</i>
<i>Purchaser PAN</i>		
<i>Sarbjee Kaur BQAPK7229Q 2450000</i>	<i>3942500."</i>	

Accordingly, notice under Section 148 of the Act was issued on 30/03/2022 and duly served upon the assessee. However, no return was filed in response to that notice. Further, notice under Section 142(1) of the Act was issued on 21/11/2022 and several statutory notices were issued thereafter to the assessee. In response to which, the assessee filed its bank account statement, loan sanction letter and sale deed of property. However, no explanation was given by the assessee on the difference between the stamp duty value and the actual consideration of the property. The Assessing Officer, therefore, added the difference amount of ₹ 14,92,500/- being the difference between the stamp duty value and the actual consideration of the immovable property at flat No. 104, First Floor, Madhusudan Radhakrishnan complex, Sonari, Jamshedpur.

3. Aggrieved by the order of Assessing Officer, the assessee preferred appeal before the Id. CIT(A), who vide the impugned order, partly allowed the appeal of the assessee and directed the Assessing Officer not to invoke the tax rate under Section 115BBE of the Act, however, he sustained the addition of ₹ 14,92,500/-.
4. Further aggrieved by the order of Id. CIT(A), this appeal has been filed before this Bench.
5. During the appellate proceedings before us, the assessee has raised a legal objection that since the notice under Section 143(2) of the Act was not issued to the assessee during the course of assessment proceedings, therefore, the entire assessment is void ab initio and does not sustain in the eyes of law.
6. In response to that, the Id. Sr. DR submitted that though the return was filed by the assessee in response to the notice under Section 148 of the Act but the same was found to be a belated return and therefore, no return existed in the eyes of law and therefore, there was no reason to issue notice under Section 143(2) of the Act.
7. We have considered the rival submissions and it is found that neither any return was filed nor was any compliance made on the part of the assessee to explain the difference between the actual sale consideration of the property and the value of the property as per stamp duty. We, therefore, restore the matter back to the file of Assessing Officer to decide the issue afresh on merit after providing reasonable opportunities of being heard to the assessee to explain the difference. The assessee is also directed to produce all necessary details before the Assessing Officer to explain the said difference. In the result,

grounds of appeal raised by the assessee are allowed for statistical purposes only.

8. In the result, this appeal of assessee is allowed for statistical purposes.

Order announced in open court on 19th January, 2026.

Sd/-  
(SONJOY SARMA)  
JUDICIAL MEMBER

Sd/-  
(RATNESH NANDAN SAHAY)  
ACCOUNTANT MEMBER

Ranchi, Dated: 19/01/2026

*\*Ranjan*

Copy to:

1. Assessee
2. Revenue
3. CIT
4. DR
5. Guard File

By order

Sr. Private Secretary, ITAT, Ranchi