

**IN THE INCOME TAX APPELLATE TRIBUNAL
SURAT "SMC" BENCH, SURAT
BEFORE DR. B.R.R. KUMAR, VICE-PRESIDENT
AND MS. SUCHITRA KAMBLE, JUDICIAL MEMBER**

I.T.A. No. 777/SRT/2024
(Assessment Year: 2015-16)

Akshita Vikrant Patel, 161 Moti Street, Pal Gam, Surat-395009 PAN : BTDPP5120M	Vs.	The ITO, Ward-2(3)(6), Surat
(Appellant)	..	(Respondent)
Appellant by :	Shri PM Jagashetha, C.A.	
Respondent by:	Ms. Namita Patel. Sr. D.R.	
Date of Hearing	19.01.2026	
Date of Pronouncement	21.01.2026	

ORDER

PER SUCHITRA KAMBLE, JUDICIAL MEMBER:-

This is an appeal filed against the order dated 25-06-2024 passed by CIT(A)/Addl/JCIT(A)-3, Kolkata for assessment year 2015-16.

3. The return of income was filed on 27-08-2015 declaring income at Rs. 11,18,742/-. The assessee along with co-owner sold the land in which the assessee has share of 6.25%. The total sale consideration was Rs. 4,47,91,000/-. Thus, the share of assessee comes to Rs.27,99,437/-. The assessee offered capital gain of Rs. 10,15,944/- after taking value of property of Rs. 27,78,900/- as on 01-04-1981. The value of land as on 01-04-1981 was taken 27,78,900/- @ 760 per sq. mt. on the basis of the valuation of Government Registered valuer. The A.O. has taken the value of the land sold @ 13.19 per sq. meter and the DVO as

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per his report has taken the value @ 76 per sq. ft. The assessee has given the details of Tax Deducted at Source on sale of immovable property u/s 194IA which clearly indicates that total transaction was Rs.29,53,983 and the statement of Long Term Capital Gain has taken sale price at Rs.27,99,437/-. After claiming the exemption u/s 54F, the said capital gain becomes Nil. Therefore, we hold that the addition made by the Assessing Officer does not survive. Thus, the appeal of the assessee is allowed.

3. In the result, the appeal of the assessee is allowed.

The order is pronounced in the open Court on 21.01.2026

**Sd/-
(DR. B.R.R. KUMAR)
VICE-PRESIDENT**

**Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER**

Surat; Dated 21/01/2026

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आदेश की प्रतिलिपि अग्रेषित/**Copy of the Order forwarded to :**

1. अपीलार्थी / **The Appellant**
2. प्रत्यर्थी / **The Respondent.**
3. संबंधित आयकर आयुक्त / **Concerned CIT**
4. आयकर आयुक्त (अपील)/ **The CIT(A)-**
5. विभागीय प्रतिनिधि,अधिकरण अपीलीय आयकर ,/DR,ITAT, Surat,
6. गार्ड फाईल / **Guard file.**

आदेशानुसार/ **BY ORDER,**

सहायक पंजीकार (**Asstt. Registrar**)
आयकर अपीलीय अधिकरण
ITAT, Surat