

**IN THE INCOME TAX APPELLATE TRIBUNAL
"A" BENCH, AHMEDABAD
BEFORE DR. B.R.R. KUMAR, VICE-PRESIDENT And
Ms SUCHITRA KAMBLE, JUDICIAL MEMBER**

ITA No.2/Ahd/2026
(Assessment Year: 2018-19)

Kaminiben Jagdishbhai Patel, 8, Akshar Bhuvan , Royal Park Opp. Aksharfarm, Pramukh Swami Marg, Anand-388001. [PAN :AWUPP6590 L]	Vs.	The Income Tax Officer, Ward-1, Anand.
(Appellant)	..	(Respondent)

Appellant by :	Shri AK Khandelwal, AR
Respondent by:	Shri Veerabadram Vislavath, Sr. DR
Date of Hearing	25.03.2026
Date of Pronouncement	27.03.2026

ORDER

PER DR. B.R.R. KUMAR, VICE-PRESIDENT:-

Delay Condoned

This appeal is filed by the Assessee against the appellate order dated 10.10.2025 passed by the Commissioner of Income Tax (Appeals) National Faceless Appeal Centre, Delhi, relating to the Assessment Year 2018-19.

2. The assessee has raised the following grounds of appeal:

1. That, in law, the impugned appellate order passed by the Id CIT(A) National Faceless Appellate Centre (NFAC), New Delhi is against natural justice, bad in law and therefore, deserves to be annulled.

2. That the Ld. CIT(A) has erred in dismissing the appeal appeal in-limine without deciding the appeal on merits even though various documents filed on record

3. That the Id CIT(A) erred in rejecting the request of the appellant for condonation of the delay in filing of the appeal despite the fact that the appellant is an NRI and was out of country at the relevant time which is a genuine and bonafide reason for condonation of delay.

4. The appellant craves leave to add, alter, amend or withdraw any ground's of appeal on or before hearing of the appeal.

3. Heard the argument of both the parties and perused the material available on record.

4. The assessee has sold an immovable property for a consideration of **Rs. 21,40,000/-**, which was originally purchased in the year **2005** for **Rs. 1,94,500/-**. After applying the **indexation benefit**, the indexed cost of acquisition works out to **Rs. 4,52,171/-**. The assessee has also incurred **cost of improvement** which is supported by the contractor's bill. After applying indexation, the indexed cost of improvement works out to **Rs. 8,87,225/-**, leaving a "**Long Term Capital Gain**" of **Rs. 8,00,164/-**. The assessee, being an **NRI**, could not reply to the notices issued by the **Assessing Officer** as well as by the **Ld. CIT(A)**, which resulted in a **summary assessment** under section 144 of the **Income-tax Act, 1961**. On going through the records, we find that the **Assessing Officer** has not considered the **cost of improvement** and treated the entire sale consideration as "**Short Term Capital Gain**". The Assessing Officer has also made additions in respect of **fixed deposits made out of the sale proceeds**. After considering the material placed before us, we are of the view that the **interest of justice** would be served by adjudicating the issue on merits. The **sale**

value, purchase cost, and cost of improvement of the property are not in dispute. Further, the fixed deposits made out of the sale consideration of the property are also not in dispute. In view of the above facts, we determine the "Long Term Capital Gain" at Rs. 8,00,164/-.

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

The order is pronounced in the open Court on 27.03.2026.

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

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

Ahmedabad; Dated (True Copy) 27.03.2026

MV

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, आयकर अपीलीय अधिकरण, अहमदाबाद / DR, ITAT, Ahmedabad
6. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

सहायक पंजीकार (Dy./Asstt. Registrar)
आयकर अपीलीय अधिकरण, अहमदाबाद / ITAT, Ahmedabad