

आयकर अपीलीय अधिकरण न्यायपीठ मुंबई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, MUMBAI

BEFORE SHRI NARENDER KUMAR CHOUDHRY, JM &
SHRI ARUN KHODPIA, AM

I.T.A. No.5943/Mum/2025
(Assessment Year: 2020-21)

Suruchi Satish Sarmalkar D/45 Jai View, D. N. Nagar, Andheri West, Mumbai 400053 PAN: BABPS1098C	Vs.	ITO Ward – 31(1)(1) Room No.230A, 2 nd floor, Kautilya Bhavan, Bandra Kurla Complex, Mumbai-400051
Assessee- अपीलार्थी / Appellant	:	Revenue -प्रत्यर्थी/ Respondent

Assessee by : Shri Ajay Singh a/w Shri Akshay
Pawar
Revenue by : Shri Tushar Mohite – SR. DR.
Date of Hearing : 02.04.2026
Date of Pronouncement : 17.04.2026

ORDER

Per Arun Khodpia, AM:

This appeal is instituted by the assessee, directed against the order of Commissioner of Income Tax Appeals/ National Faceless Appeal Centre, Delhi [“the Ld. CIT(A)"] dated 29.11.2024 for the assessment year 2020-21, arises from assessment order u/s 143(3) r.w.s 144B of the Income Tax Act, 1961 (“the Act”) dated 30.08.2022 passed by Assessment Unit, Income Tax Department. Grounds of appeal are as under:

“I.Addition u/s 56(2)(x)(b) of Rs. 28,07,480/-

1. The Ld CIT(A) erred in upholding order of Assessing Officer confirming the addition u/s 56(2)(x)(b) of the Act of Rs. 28,07,480/- (Rs. 1,07,07,480-79,00,000)

being the difference between the actual consideration for purchase and the stamp duty value of the said property, without appreciating the complete facts of the case.”

2. At the outset, it is noticed that the present appeal is file with a delay of 238 days for which an affidavit stating reasons of delay has been filed by the Ld. AR of the assessee. It is submitted that the assessee is a senior citizen of 75 years of age and have no formal background in legal or tax matters. The assessee is completely unaware of the legal proceedings and process, thus was dependent on the Chartered Accountant, who is also a senior citizen of 76 years of age. The Chartered Accountant of the assessee has filed a rectification application u/s 154 of the Act against the impugned order of Ld. CIT(A)/NFAC dated 29.11.2024. Consequently, the order u/s 154 r.w.s 250 was passed on 30th June, 2025, which was served on e-mail of assessee’s Chartered Accountant, who was at Chennai at that time, thereafter, the Chartered Accountant travelled to Mumbai and has taken up the matter. It is submitted that the delay was not intended or due to any mala fide of the assessee, therefore, the delay in filing of appeal may be condoned. Considering the reasons stated by the assessee, which are supported by a duly sworn affidavit, which is found to be bona fide and unintentional, thus we deem it appropriate to condone the delay.

3. Brief facts of the case are that the assessee had purchased immovable properties amounting to Rs.79,00,000/-, stamp duty of the said properties, as per registration authority was Rs.1,07,07,480/-, the difference between these two amounts was Rs.28,07,480/-, which as per AO was liable to be added in the income of the assessee in terms of provisions of section 56(2)(x)(b)(B) of the Act.

4. The assessment was completed with the aforesaid addition in the hands of the assessee.

5. Aggrieved thereby, the assessee preferred an appeal before the Ld. CIT(A), who had dismissed the appeal of assessee by confirming the addition made by the AO.

6. Being dissatisfied with the decision of Ld. CIT(A) in the impugned order, the assessee is in appeal before us.

7. Before us, Ld. Counsel of the assessee filed additional evidences including the report from a private valuer showing the value of property at Rs.76,48,800/-, as against the stamp value of Rs.1,07,07,480/-. Admittedly, the differential amount between the stamp duty valuation and the consideration shown by the assessee, as well as the value determined by the private valuer was more than 10% tolerance limit granted by the statute. Since there was a difference in the value of stamp duty authority and report of private valuer which is furnished by the assessee, it would be just and proper to seek a valuation report from Departmental Valuation Officer (DVO). We, thus, find it appropriate to remand the matter back to the file of Jurisdictional Assessing Officer (JAO) for fresh adjudication after obtaining a report from the DVO.

8. Ld. Counsel of the assessee submitted that the aforesaid properties were purchased by the assessee under joint holding with her son, therefore, even if any addition is to be made, the same shall be in the ratio of assessee's ownership as per the sale/ purchase documents, which the JAO needs to consider.

9. Per contra, Ld. DR supported the orders of revenue authorities.
10. On a thoughtful consideration of the aforesaid facts and circumstances, as discussed hereinabove, the matter is restored back to the files of JAO to decide the issue in accordance with law, after affording reasonable opportunity of being heard to the assessee.
11. Needless to say, the assessee is directed to properly assist the Ld. AO in the set aside proceedings failing which, no further opportunities shall be granted.
12. In the result, the appeal of assessee is allowed for statistical purposes, in terms of our aforesaid observations.

Order pronounced in the open court on 17-04-2026.

Sd/-
(NARENDER KUMAR CHOUDHRY)
Judicial Member

Sd/-
(ARUN KHODPIA)
Accountant Member

Mumbai, Dated : 17-04-2026.
Ankit, Sr. PS

Copy of the Order forwarded to :

1. The Appellant
2. The Respondent
3. DR, ITAT, Mumbai
4. Guard File
5. CIT

BY ORDER,

(Dy./Asstt. Registrar)
ITAT, Mumbai