



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 25<sup>TH</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV**

**WRIT PETITION NO. 13085 OF 2026 (T-IT)**

**BETWEEN:**

RAJESH KUMAR JAIN,  
AGED ABOUT 52 YEARS,  
S/O GHEWAR CHAND JAIN,  
40/1, OSIYA NIVAS,  
SEETHARAM MANDIR ROAD,  
SUNKALPT,  
BANGALORE - 560 002.  
PAN: ABVPJ0011C.

...PETITIONER

(BY SRI. RAVI SHANKAR S V., ADVOCATE)

**AND:**

1. INCOME TAX OFFICER,  
WARD - 5(2)(1),  
BANGALORE - 560 095.
2. NATIONAL FACELESS ASSESSMENT CENTRE,  
ADDITIONAL/JOINT/DEPUTY/ASSISTANT  
COMMISSIONER OF INCOME TAX/INCOME  
TAX OFFICER,  
INCOME TAX DEPARTMENT,  
MINISTRY OF FINANCE,  
ROOM NO.401, 2<sup>ND</sup> FLOOR, E-RAMP,  
JAWAHARLAL NEHRU STADIUM,  
DELHI - 110 003.

...RESPONDENTS

(BY SRI. THIRUMALESH, ADVOCATE)

Digitally  
signed by  
VIJAYA P  
Location:  
HIGH  
COURT OF  
KARNATAKA



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED U/S 143(3) R.W.S 144B OF THE ACT, DATED 19/03/2026 VIDE DIN ITBA/AST/S/143(3)/2025-26/108757269(1) PASSED BY THE RESPONDENT NO.2 FOR THE ASSESSMENT YEAR 2024-25 HEREIN MARKED AS ANNEXURE-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

**ORAL ORDER**

Learned counsel, Sri. Thirumalesh accepts notice for the respondents.

2. The petitioner has challenged the assessment order at Annexure-A. It is the case of the petitioner that the authority has proposed a variation on the ground that the petitioner was not entitled to benefit of capital gain as provided under Section 54F of the Income Tax Act, 1961.

3. It is the case of the petitioner that the property that was purchased by the petitioner was a residential property and only consequent to its demolition, the petitioner has put up certain residential construction and



said aspect has not been looked into appropriately by the authority which has recorded a finding that the properties purchased consisted of factory shed and was not a residential property.

4. The petitioner has produced at Annexure-G series the satellite images from Google, which according to the petitioner would indicate that the property purchased was residential property. It is submitted that on this sole ground, the matter may be remitted back providing an opportunity to the petitioner to place the Google images obtained from the website, which are publicly verifiable and afford an opportunity to the petitioner to demonstrate eligibility for deduction under Section 54F.

5. Insofar as addition regarding unsecured loans, petitioner submits that opportunity may be granted for the petitioner to demonstrate the loan status.

6. Perused the order at Annexure-A. The authority has disintitiled the deduction under Section 54F by



recording the finding that the properties consisted of factory shed and not residential property. As noticed above, petitioner's assertion that the properties were infact residential and reliance placed on the images obtained from the website at Annexure-G series is an aspect that could be re-looked into by the assessing authority.

7. Insofar as the other contention regarding unsecured loans, the petitioner submits that he would demonstrate the sources. Taking note of the factual nature of assertion made, it would be appropriate to remit the matter for reconsideration of the order at Annexure-A.

8. Accordingly, the order at Annexure-A is set aside. Matter is remitted to the stage of 142(1) notice dated 12.12.2025. Annexures-A1 and A2 are consequently set aside. All contentions on merits are kept open.



9. The observations made herein are limited for disposal of the present petition and are not to be taken as conclusive findings on the merits of the matter.

Accordingly, petition is ***disposed of***.

**SD/-**  
**(S SUNIL DUTT YADAV)**  
**JUDGE**

MCR