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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 49/2017**

PR. COMMISSIONER OFLNCOME TAX- 21 ..... Appellant
Through: Mr. Zoheb Hossain, Advocate.

Versus

ANINDITA SENGUPTA ..... Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE NAJMI WAZIRI

O R D E R

% 21.02.2017

1. The Revenue is aggrieved by an order of the Income Tax Appellate Tribunal (ITAT) allowing the assessee's appeal against the addition of ₹63,08,000/-, under Section 69B of the Income Tax Act, 1961 (hereinafter to be referred as 'the Act'). The property purchased by the assessee was valued under Section 142A of the Act by the District Valuation Officer; that formed the basis for the revised value.

2. Considering the submissions of the parties and the materials on record – which included the basis for comparison and the consequent revaluation, the ITAT was of the opinion that the revaluation was unjustified. Its findings are as follows:-

> *"9. We have heard both the parties. There are various judgments which states that DVO's report solely cannot be taken into account for making an addition u/s 69B of the Act. There is no material or any enquiry as such through proper channel has*

been made by the Assessing Officer. The entire purpose of Section 142A of the Act was not taken into account by the Assessing Officer as well as by the CIT(A). Hence, the order of the CIT(A)is set aside."

3. This Court is of the opinion that assessee purchased only one-fourth undivided share of the property by paying a consideration of ₹60,50,000/- and the comparison made was not in respect of the neighbourhood properties but those located geographically at other places.

4. Having regard to these circumstances, the Court is satisfied that no question of law arises. The appeal is consequently dismissed.

S. RAVINDRA BHAT, J.

NAJMI WAZIRI, J.

FEBRUARY 21, 2017

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