108 IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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ITA No. 56 of 2020 (O&M)
DECIDED ON: FEBRUARY 10, 2020

BAHADUR SINGH

APPELLANT

VERSUS

COMMISSIONER INCOME TAX (APPEALS) FARIDABAD AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Veena Hooda, Advocate
for the appellant.

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AJAY TEWARI, J (Oral):

CM No. 3147-CII of 2020

Application is allowed as prayed for.

ITA No. 56 of 2020

This appeal has been filed under Section 260-A of the Income Tax Act, 1961 (for short 'the Act') against the order of the authorities below declining exemption under Section 54B of the Act, to the appellant.

2. The case of the appellant is that he and his three brothers had sold jointly owned land and for his 1/4th share he purchased land in the name of his wife and claimed exemption under Section 54B of the Act. The authorities below declined the exemption in view of judgment of this Court in ***Commissioner of Income-Tax, Faridabad vs. Shri Dinesh Verma; ITA No. 381 of 2014, decided on 06.07.2015.***

3. Learned counsel for the appellant states that in the afore-said judgment, this Court has not considered the case of ***CIT vs. Gurnam Singh, (2010) 327 ITR 0278*** *and in* view of ***Gurnam Singh's*** case (supra), the

appellant was entitled to exemption under Section 54B of the Act.

5. The contention raised by learned counsel for the appellant lacks merit.

6. It is an undisputed fact that after selling the agricultural land the appellant purchased a land worth his share, in the name of his wife. The issue is directly covered by the decision of this Court in ***Dinesh Verma's*** case (supra). The reliance of Gurnam Singh's case (supra) will not enhance the case of the appellant as the property in that case was purchased in the joint name of the assessee and his only son, which is not the case in the present case.

7. Dismissed.

8. As the matter has been considered on merit, no separate order is being passed in the application seeking condonation of delay of 946 days in filing the present appeal.

[AJAY TEWARI]
JUDGE

[AVNEESH JHINGAN]
JUDGE

FEBRUARY 10, 2020
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No