$~95, 97 to 101 & 103

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

\+ ITA 393/2025
\+ ITA 395/2025
\+ ITA 396/2025
\+ ITA 397/2025
\+ ITA 398/2025
\+ ITA 399/2025
\+ ITA 401/2025

ANSAL HOUSING LIMITED (FORMERLY ROHIT JAIN KNOWN AS ANSAL HOUSING AND CONSTRUCTION LTD).....Appellant

Through: Mr. Vaibhav Kulkarni, Mr. Himanshu Aggarwal, Mr. Akash Shukla, Ms. Kanika Sethi, Advs.

versus

ADDITIONAL COMMISSIONER OF INCOME TAX.....Respondent

Through: Mr. Sanjay Kumar, SSC with Ms. Monica Benjamin, JSC, Ms. Easha, JSC.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE VINOD KUMAR

O R D E R

% **10.09.2025**

1. These appeals are filed by the same appellant/assessee. According to the learned counsel for the appellant, these appeals are covered against the appellant/assessee in terms of order dated 14.11.2024 in ITA 553/2024 which pertains to Assessment Year (‘**AY**’) 2007-08, wherein this Court has in Paragraph 1-6 stated as under:

> *“1. The appellant (hereafter the assessee) has filed the present appeal impugning an order dated 26.07.2024 passed by the learned Income Tax Appellate Tribunal (hereafter the ITAT) in ITA No. 2731/Del/2010 in respect*

of the assessment year (AY) 2007-08 rendered in the appeal preferred by the Revenue against the order dated 30.03.2010 passed by the learned Commissioner of Income Tax (Appeal)-1 [hereafter the CIT(A)].

2. The Revenue had challenged the decision of the learned CIT(A) in deleting an addition of ₹58,09,780/- made on account of gross notional Annual Letting Value (ALV) in respect of unsold spaces / flats and treating the same as income from house property.

3. The assessee is engaged in the development of real estate and contended that the said vacant flats/spaces held by it were stock-in-trade and therefore, Section 22 of the Income Tax Act, 1961 (hereafter the Act) was not applicable. According to the assessee, its income is required to be assessed under the head 'profits and gains of business or profession' and not under the head of 'income from house property'. The said contention was accepted by the learned CIT(A). The relevant extract of the order dated 30.03.2010 is set out below:-

> *"10.After going through the grounds of appeal as well as the order of the appellate Authorities, I am of the view that as the business of the appellant company was construction and sale of immovable property, the income arising from the unsold spaces / flats could only be taxed under the head business income and it was not open to the Assessing Officer to tax the notional value under the head income from house property in respect of flats / spaces lying in the closing stock of the company. It is noticed that the A.O. has based the additions on the ground that department has not accepted the appellate decisions of the higher authorities and that the matter is pending before the Hon'ble High Court of Delhi. Following the decisions of the ITAT and my predecessor CIT (A)- l in the case of appellant for the earlier assessment years the addition of Rs. 82,99,685/- made by the Assessing Officer is deleted."*

4. However, the learned ITAT did not concur with the said view. Notwithstanding, that the assessee held immovable property as a part of the stock-in-trade, the ALV was chargeable to tax under the head of 'income from house property'.

*5. Concededly, this issue stands concluded in favour of the Revenue by this Court in the assessee's own case in an earlier assessment year – **Ansal Housing & Construction Limited v. Assistant Commissioner of Income Tax: [2018] 89 taxmann.com 238 (Delhi).***

6. In view of the above, no substantial question of law arises in the present appeal. The same is, accordingly, dismissed."

2. The counsel also states the judgment in the case of ***Ansal Housing & Construction Limited v. Assistant Commissioner of Income Tax:*** [2018] 89 taxmann.com 238 (Delhi) of which a reference has been made in the order dated 14.11.2024, pertains to all the AYs prior to 2007-2008.

3. In view of the above, as no substantial question of law arises in all these appeals, the same are accordingly dismissed.

V. KAMESWAR RAO, J

VINOD KUMAR, J

SEPTEMBER 10, 2025

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