

IN THE INCOME TAX APPELLATE TRIBUNAL
JODHPUR BENCH, JODHPUR
BEFORE SHRI KUL BHARAT, JUDICIAL MEMBER
AND
SHRI MANISH BORAD, ACCOUNTANT MEMBER

118/Jodh/2021
(ASSESSMENT YEAR- 2015-16)

Reetu Devi Nanecha, 3A 38, R.C, Vyas Colony, Bhilwara, Rajasthan (Appellant)	Vs	The ITO TDS, Bhilwara (Respondent)
PAN NO. ACCPN2756J		

Assessee By	Shri Hemant Chhajed, CA
Revenue By	Shri S.M. Joshi, JCIT-DR
Date of hearing	22/03/2023
Date of Pronouncement	24 /03/2023

ORDER

PER: SHRI MANISH BORAD, AM

This is an appeal filed by the assessee against the order of the Id.
CIT(A), National Faceless Appeal Centre, Delhi (for short ‘NFAC’),

Delhi dated 20-10-2021 for the assessment year 2015-16 raising therein following grounds of appeal.

“1. “The impugned Demands of Rs.31,500 u/s 201(1) and Rs.16,380 u/s 201(1A) are bad in law and on facts of the case, for want of jurisdiction and hence the same kindly be deleted.

2. The appellant prays your honour indulgences to add, amend or alter of or any of the grounds of the appeal on or before the date of hearing.”

2.1 At the outset of the hearing, the ld. Counsel for the assessee submitted that there was a transaction of purchase of immovable property on 3-09-2014 for a consideration of 1.20 crores and the same was carried out by four persons. In the 1/4th share of the property, the consideration comes to Rs.31.50 lacs in the hands of the assessee. The provisions of Section 1941A of the Act are applicable if the consideration is more than Rs.50.00 lacs and therefore, the assessee should not have been treated as assessee in default u/s 201(1) and 201(1A) of the Act.

2.2 During the course of hearing, the ld. AR of the assessee prayed to quash the order of the ld. CIT(A)

2.3 On the other hand, the ld. DR vehemently supported the orders of the lower authorities.

2.4 We have heard the rival contentions and perused the materials placed on record. We notice that the assessee is an individual and as per facts of the case narrated before us and not disputed by the revenue authority, find that the assessee alongwith 3 other persons purchased an immovable property for a consideration of Rs.1.20 crores on 03-09-2014. The assessee paid 1/4th share of sale consideration i.e. Rs. 31.50 lacs. The AO treated the assessee in default applying the provisions of section 1941A of the Act by considering the purchase cost of Rs.1.26 crores. We notice that the provisions of Section 1941A of the Act are applicable where consideration for transfer of an immovable property is more than Rs.50 lacs. Since in the instant case, the consideration paid by the assessee is Rs.31.50 lacs, therefore, the provisions of Section 1941A of the Act cannot be invoked. Thus, we fail to find any merit in the

findings of the ld CIT(A) and the same is set aside and the demand raised by the AO u/s 201(1) for non-deduction of Tax Rs.31,500/- and interest levied u/s 201(1A) at Rs.16,380/- is deleted. The effective issued in Ground No 1 as raised by the assessee is allowed.

3.0 The Ground No 2 of the assessee is general in nature which does not require any adjudication.

4.0 In the result, the appeal of the assessee is allowed

Order pronounced in the open Court on 24 /03/2023.

Sd/-

(KUL BHARAT)
JUDICIAL MEMBER

Sd/-

(MANISH BORAD)
ACCOUNTANT MEMBER

Dated : 24/03/2023

**Mishra*

Copy to:

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

Assistant Registrar

Jodhpur Bench