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

+ **ITA 741/2023 & CM Nos.63835-36/2023**

SUKHBIR S. DAGAR

..... Appellant

Through: Mr Ved Jain, Mr Nischay Kantoor
and Ms Soniya Dodeja, Advs.

versus

INCOME TAX OFFICER, WARD 24(3)

..... Respondent

Through: Mr Sunil Agarwal, Sr Standing
Counsel with Mr Shivansh B. Pandya,
Standing Counsel and Mr Utkarsh
Tiwari, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **11.12.2023**

[Physical Hearing/Hybrid Hearing (as per request)]

CM No.63836/2023

1. Allowed, subject to the appellant filing legible copies of the annexures, at least three days before the next date of hearing.

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2. We have heard the learned counsel for the parties. In our view, the matter requires examination.

3. Accordingly, the following questions of law are framed for consideration by the court:

(i) Whether the Income Tax Appellate Tribunal [in short, "Tribunal"] misdirected itself on facts and in law in reversing the order of the Commissioner of Income Tax (Appeals) [in short, "CIT(A)"] sustaining the addition of Rs.5,18,27,005/- on account of capital gains under Section 45

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of the Income Tax Act, 1961 [in short, “Act”]?

(ii) Whether the order of the Tribunal suffers from perversity?

(iii) Whether the reassessment proceedings were without jurisdiction as it did not have the approval of the statutory authorities, as mandated under Section 151 of the Act?

4. Learned counsel for the parties will file the record which was made available to the statutory authorities. The learned counsel will ensure that the record is be duly indexed.

5. List the appeal on 29.04.2024.

CM No.63835/2023 [*Application filed on behalf of the appellant seeking interim relief*]

6. In view of the fact that the appeal has been listed for hearing, Mr Ved Jain, who appears on behalf of the appellant/assessee, says that, for the moment, he does not wish to press the above-captioned application.

7. The application is, accordingly, closed.

RAJIV SHAKDHER, J

GIRISH KATHPALIA, J

DECEMBER 11, 2023

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Click here to check corrigendum, if any