

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI  
(DELHI BENCH 'C' NEW DELHI)  
BEFORE YOGESH KUMAR U.S., JUDICIAL MEMBER  
AND  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**ITA No. 7244/DEL/2025 (A.Y. 2022-23)**

Assistant Commissioner of Income Tax, Circle-70(1), Room No. 1802, E-2, Block Civic Centre, New Delhi	Vs	Sachin Gaur A-1/7, Vasant Vihar, New Delhi <b>PAN: AANPG5142N</b>
<b>Appellant</b>		<b>Respondent</b>
Assessee by	Sh. Ved Jain, Adv & Sh. Ayush Garg, CA	
Revenue by	Sh. Dayainder Singh Sidhu, CIT DR	
Date of Hearing	17/03/2026	
Date of Pronouncement	24/04/2026	

**ORDER**

**PER YOGESH KUMAR, U.S. JM:**

The present appeal is filed by the Revenue against the order of Ld. Commissioner of Income Tax (Appeals/ National Faceless Appeal Centre (Ld. CIT(A)/NFAC' for short), New Delhi dated 13/09/2025 for the Assessment Year 2022-23.

2. Brief facts of the case are that, the Assessee filed return of income declaring total income at Rs. 1,82,62,190/- which was selected for scrutiny under CASS for the reason 'Low Long Term Capital Gain and High Improvement Cost and Large Investment in property as compared to total income. Assessment order came to be passed on 24/03/2024 by

making an addition of Rs. 18,63,37,342/- by treating the same as unexplained money under Section 69A of the Income Tax Act, 1961 ('Act' for short). As against the assessment order dated 24/03/2024, Assessee preferred an Appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 13/09/2025, allowed the Appeal of the Assessee.

3. The Ld. Departmental Representative vehemently submitted that the Ld. CIT(A) erred in deleting the addition of Rs. 18,63,37,342/- made by the A.O. under Section 69A of the Act by ignoring the fact that the said amount was considered as sale consideration of immovable property, however, in actual, the Assessee received only Rs. 1,99,00,000/- and the balance amount of Rs. 16,64,37,342/- was directly paid to the developers by the buyers, while doing so ignored the fact that alleged possession of the property has been given for meager amount of Rs. 1,99,00,000/- i.e. 10.67 percentage of the cost in the year 2015 itself. Thus, submitted that the order of the Ld. CIT(A) is erroneous and is liable to be set aside.

4. Per contra, the Ld. Assessee's Representative relying on the order of the Ld. CIT(A) submitted that the Assessee has booked the immovable property in the Farm of Sport Villa, 17, Jay Pee Greens, Greater Noida and also allotment letter dated 30/03/2012 has been issued in the name

of the Assessee. The Assessee has also got the offer of possession on 15/02/2015 by developer, wherein the total value of the property was enhanced to Rs. 18,65,37,342/- with outstanding balance of Rs. 16,64,37,342/-. Subsequently, the Assessee sold said rights on the property to the new buyers namely Mr. Yatharth Attrey and Smt. Neena Tyagi vide an agreement dated 07/10/2021 and the balance payment has been made by the buyers to the developer directly. Further submitted that the said property has been transferred in the name of new buyers by the developers and the Assessee rightly claimed the Long-Term Capital Gain of Rs. 1,43,84,239/-. Further submitted that the buyers as well as the developers have also endorsed the said transaction of the Assessee with credible evidences and documents. The Ld. CIT(A) after appreciating the entire facts, deleted the addition, which requires no interference at the hands of the Tribunal. Thus, sought for dismissal of the Appeal.

5. We have heard both the parties and perused the material available on record. The Assessee has been issued with allotment letter dated 30/03/2012 wherein the Assessee has made payment of Rs. 1,99,00,000/- to the developer in respect of property in the form of Sport Villa-17, Jaypee Corners, Greater Noida. Subsequently, offer of possession vide letter dated 15/02/2015 has been issued by the

developer to the Assessee, wherein the total value of the property was enhanced to Rs. 18,63,37,342/- with outstanding balance of Rs. 16,64,37,342/-. The said right of the Assessee has been purchased by Mr. Yatharth Attrey and Smt. Neena Tyagi vide an agreement dated 07/10/2021. Ultimately the said property has been purchased by buyers namely Mr. Yatharth Attrey and Smt. Neena Tyagi by making remaining balance sale consideration of Rs. 16,64,37,342/- to the developer directly and the property has been directly transferred in the name of those two buyers by the developers. The Assessee has produced cogent documentary evidence in order to establish the said transaction fact. However, the A.O. held that the total sale consideration as per the agreement to sale of Rs. 18,63,37,342/- was unexplained money under Section 69A of the Act and taxed in the hands of the Assessee. It is observed that while making the said addition A.O. failed to establish that the Assessee has been benefitted to the tune of Rs. 18,63,37,342/- in the said transaction. On the contrary, it has been clearly established that, out of Rs. 18,63,37,342/- an amount of Rs. 16,64,37,342/. - was directly paid to developers by the new buyers. Hence it cannot be said that appellant has benefitted directly or in directly by the said amount of Rs. 16,64,37,342/-. Further A.O. has also made enquiries under Section 133(6) of the Act with the developer as well as new buyers, wherein both

the developer as well as new buyers have endorsed the transaction of the Assessee with supporting evidences. In view of the same and in the absence of any contrary evidence or facts brought on record by the Revenue, we find no error or infirmity in the finding of the Ld. CIT(A) that the A.O. has wrongly assessed the genuine sale transaction of immovable property as unexplained money under Section 69A of the Act in the hands of the Assessee. Accordingly, finding no merit in the Grounds of Appeal of the Revenue the Grounds of Appeal of the Revenue are dismissed.

6. In the result, Appeal of the Revenue is dismissed.

**Order pronounced in the open court on 24<sup>th</sup> April, 2026**

Sd/-

**(MANISH AGARWAL)**  
**ACCOUNTANT MEMBER**

Date:- 24 .04.2026

Reshma Naheed, Sr.P.S

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

Sd/-

**(YOGESH KUMAR U.S.)**  
**JUDICIAL MEMBER**

ASSISTANT REGISTRAR  
ITAT, NEW DELHI

