

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
JAIPUR BENCHES, “SMC” BENCH, JAIPUR**

**BEFORE SMT. ANNAPURNA GUPTA, ACCOUNTANT MEMBER**

**ITA No. 1412/JPR/2025  
(Assessment Year:2024-25)**

Priyamvada Singhal 8, Kanti Nagar Station Road, Jaipur 302006	Vs.	DCIT Circle 7 Jaipur
स्थायीलेखासं./जीआइआरसं./PAN/GIR No:DWVPS 2851 B		
Appellant	..	Respondent

Appellant by :	Sh. Mukesh Soni, Adv. & Sh. Vikas Gupta Adv.
Respondent by :	Sh. Gaurav Awasthi, JCIT

Date of Hearing	04.06.2026
Date of Pronouncement	25.06.2026

**ORDER**

The present appeal has been filed by the assessee against the order passed by the Office of the Commissioner of Income Tax (Appeal), Addl./JCIT (A)-4, Delhi (hereinafter referred to as “Ld. CIT(A)”), dated 04.08.2025 u/s 250 of the Income Tax Act, 1961(hereinafter referred to as “the Act”)

2. The grounds of the appeal raised by the assessee read as under:-

1 Under the facts and the circumstances of the case and in law, Impugned order dated 04.08.2025 passed by the Ld. CIT(A) u/s 250 of the Income Tax Act, 1961 ["the Act"] is perverse, arbitrary, and bad in law.

2 Under the facts and circumstances of the case and in law, Ld. CIT (A) erred in not allowing rebate upto Rs.25,000/- u/s 87A of the Act against the tax payable by Assessee in respect of income from Short Term Capital Gains chargeable u/s 111A of the Act.

3 Under the facts and circumstances of the case and in law, Ld. CIT (A) erred in confirming the interest u/s 234A, 234B and 234C of the Act.

4 The appellants craves leave to add, alter, amend, or withdraw any ground of appeal at the time of hearing.

3. The solitary issue in the present appeal pertains to denial of grant of rebate u/s 87A of the Act of taxes paid by the assessee on Short Term Capital Gains u/s 111A of the Act.

4. The assessee is an individual who had declared her income under the head capital gains and income from other sources for the relevant assessment year, AY 2024-25, and the assessee had opted for paying taxes in terms of the provisions of Section 115BAC of the Act. During the impugned year, the assessee had earned income from stipend during her training for Chartered Accountancy Course along with interest income of bank deposits and income from the dividend of listed shares. Additionally, the assessee had earned short term capital gain from sale of listed shares which was taxable u/s 111A of the Act. Since the total income of the assessee was below the taxable threshold specified in law for claiming tax rebate u/s 87A of the Act, the assessee claimed the relevant rebate. However, the CPC while processing the return u/s 143(1)(a) of the Act denied the rebate to the extent of taxes paid at Special Rates u/s 111A of the Act holding the same not eligible for

such rebate and allowing benefit of rebate only on taxes paid at normal slab rates.

5. Aggrieved the assessee filed an appeal before the Ld. CIT(A), who upheld the denial of grant of rebate to the assessee. Before me, Id. Counsel for the assessee contended that this issue has been decided in favour of the assessee by various decision of the ITAT consistently holding that where a resident assessee had opted for taxation under the new regime , i.e u/s 111BAC of the Act, and his total income was below the limit specified u/s 87A of the Act for claiming rebate of tax , he would be eligible to claim the said rebate from taxes paid on short term capital gain arising from transfer of listed shares taxable at special rates u/s 111A of the Act also, which he cited as under:-

- i) JayshreebenJayantibhai Palsana Vs. Income Tax Officer [2025] 177 taxmann.com 411 ( Ahmedabad-Trib.)
- ii) Pushpa Prakash Misar Vs. Income Tax Officer ITA No.741/Mum/2026
- iii) Venkatachalam Venkatraman Vs. Income Tax Officer ITA No.1431/Chny/2025
- iv) Vekedapathy Venugopal Vs. Income Tax Officer ITA No.2064/Chny/2025
- v) Padmaben Kantilal Ranpara Vs. Income Tax Officer ITA No.516/RJT/2025
- vi) Pramod Kumar Dubey Vs. Income Tax Officer ITA No.314/AGR/2025

6. Ld. DR was unable to draw my attention to any contrary decision, either of the Jurisdictional High Court or of the Hon'ble Apex Court in this regard nor distinguish the decisions relied upon on facts.

7. In view of the above, since the denial of tax rebate to the assessee u/s 87A of the Act was only on the taxes paid at special rate u/s 111A of the Act, the issues, I have no hesitation in holding, stands covered in favour of the assessee by various decisions of the ITAT cited before me as noted above. I hold therefore that the denial of grant

of rebate to the assessee u/s 87A of the Act is not in accordance with law. I accordingly direct that the assessee be granted the rebate u/s 87A of the Act.

8. In effect, the appeal of the assessee is **allowed**.

Order pronounced in the open court on 25.06.2026

Sd/-  
(Annapurna Gupta)  
ACCOUNTANT MEMBER

Dated 25.06.2026  
Mittali, Sr. PS

Copy forwarded to:

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

By Order,

Asst. Registrar  
ITAT, Jaipur