IN THE INCOME TAX APPELLATE TRIBUNAL
JODHPUR BENCH, JODHPUR

BEFORE SHRI SAKTIJIT DEY, HON'BLE VICE PRESIDENT AND
SHRI MAKARAND VASANT MAHADEOKAR, HON'BLE ACCOUNTANT MEMBER

ITA No. 549/Jodh/2024
(Assessment Year 2017-18)

Pushap Raj Bohra M-09, Shivaji Nagar, Jalore, Rajasthan-343001 PAN No. AANPB 4456 C		Income Tax Officer, W-1, Barmer
Assessee by	Shri Gautam Baid, CA, (Physically)	
Revenue by	Ms. Nidhi Nair, Addl. CIT-DR (Physically)	
Date of Hearing	03 / 08 / 2026.	
Date of Pronouncement	07 / 08 / 2026.	

ORDER

Per: Saktijit Dey, Vice President:

This is an appeal by the assessee against order dated 8-2-2024 of National Faceless Appeal Centre (NFAC), Delhi, pertaining to Assessment Year 2017-18.

2. The effective ground raised by the assessee reads as under:

> *"On the facts in the circumstances of the case, while disposing the appeal by the Ld. CIT direction to Ld. AO for examination of the eligibility of the assessee regarding exemption u/s 54EC and 54F amount to enhancement of the assessment, is in violation of the provisions of section 251(2) as such direction has been issued without any opportunity of hearing to the assessee. Requisite order may kindly be made to declare direction of Ld. CIT(A) for examination of eligibility of exemption u/s 54EC and 54F unsustainable and exemption claimed by the assessee in the return of income in this regard may kindly be allow."*

3. As could be seen from the grounds raised, the issue arising in the appeal relates to assessee's claim of deduction under Section 54EC and 54F of the Income Tax Act, 1961 (in short 'the Act'). In course of hearing, learned counsel submitted that while giving effect to directions of learned First Appellate Authority, to examine assessee's claim of deduction under Section 54EC and 54F of the Act, though, the Assessing Officer had initially disallowed the claim. However, subsequently on an application made by the assessee under Section 154 of the Act, the Assessing Officer, vide order dated 16-10-2024, has allowed the claim of deduction under Section 54EC and 54F of the Act. A copy of the said order has been placed on record.

4. Having considered rival submissions and perused the materials on record, we find that while disposing of assessee's appeal, learned First Appellate Authority, following the directions of Income Tax Appellate Tribunal (ITAT) in assessee's case in Assessment Year 2015-16 involving identical issue, had directed the Assessing Officer to examine assessee's claim of deduction under Section 54F and 54EC of the Act. In the order dated 16-10-2024 passed under Section 154 of the Act, the Assessing Officer has allowed assessee's claim of deduction under Section 54F and 54EC of the Act, holding as under:

> *"Now, the assessee has filed this application u/s 154 on 05.10.2024 for rectification of this order giving effect dated 31.05.2024. Along with this application, the assessee has also filed evidences and details of deduction claimed u/s 54EC and 54F, the same has duly been considered by this*

office in the light of judgment of Hon'ble ITAT in the case of assessee himself for AY 2015-16 (discussed above), hence the rectification application of the assessee is accepted and the deductions claimed of Rs. 2,61,83,266/-in total, is allowed as discussed below.

4. In the light of the above discussion, the order giving effect to the order u/s 250 passed on 31.05.2024 is rectified as under :-

The CIT(A) has directed to treat income from sale of 10 immovable properties as income from capitals gain and to examine the eligibility of exemption u/s 54F/54EC of the Act. Accordingly, the income of the assessee is recomputed as under:-

Nature of Income	*Income as per order u/s 143(3)*	*Relief granted by CIT(A)*	*Total Income (Recomputed by this order)*
Income from salary	*30,00,000*	*0*	*30,00,000*
Income from HP	*1,42,800*	*0*	*1,42,800*
Income from PGBP	*3,22,95,567*	*(-)13,22,95,567*	*0*
Income from CG	*2,80,737*	*(-)1,90,162(On account of loss on sale of Villas now disallowed)*	*90,575*
Income from OS	*774128*	*0*	*774128*
Less deduction u/c VIA	*3,63,33,232*	*(-) 3,24,85,729*	*38,47,500*

5. Since the grievance raised by the assessee in the present appeal stands redressed by virtue of the aforesaid order passed under Section 154 of the Act, the present appeal has become infructuous. Hence, the same is dismissed.

6. In the result, appeal is dismissed.

Order Pronounced in the open court on 07/08/2026.

Sd/-	Sd/-
(Makarand Mahadeokar)	(Saktijit Dey)
Accountant Member	Vice President

Dated : 07/08/2026.
Aks/-

True Copy

Copies to :

(1) The appellant.
(2) The respondent.
(3) CIT
(4) CIT(A)
(5) Departmental Representative
(6) Guard File

BY ORDER,