

IN THE INCOME TAX APPELLATE TRIBUNAL
“A” BENCH, CHANDIGARH

PHYSICAL HEARING

BEFORE HON’BLE SHRI LALIET KUMAR, JM
AND
HON’BLE SHRI KRINWANT SAHAY, AM

आयकरअपीलसं./ ITA No.750/CHD/2025
(निर्धारणवर्ष / Assessment Year: 2017-18)

Amardeep Chaudhary House No. 153, Sector-2, Panchkula, Haryana - 134112	बनाम/ Vs.	ITO Ward 1 Panchkula ITO Ward-1, Panchkula,
स्थायीलेखासं./जीआइआरसं./PAN/GIR No. AAKPC-3432-A		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकीओरसे/ Appellant by	:	Sh. B.M. Monga & Sh. Rohit Kaura (Advocates)
प्रत्यर्थीकीओरसे/ Respondent by	:	Sh. Vivek Vardhan (Addl. CIT) Sr. DR

सुनवाईकीतारीख/ Date of Hearing	:	17-12-2025
घोषणाकीतारीख / Date of Pronouncement	:	06- 01-2026

आदेश / O R D E R

Krinwant Sahay (Accountant Member)

1. Appeal in this case has been filed by the Assessee against the order dated 29.11.2024 passed by the Ld. Addl./JCIT(A)-2, Delhi herein referred to as ‘Addl. CIT(A)’.

2. Grounds of appeal are as under:

1. *That the order of Ld. CIT(A) is against the law AMD facts of the case.*

2. *That the Learned CIT(A) has grossly erred in uploading the illegal order passed by the Assessing Officer wherein an addition of amount of Rs. 1,66,05,363/- was made on account of amount received by the assessee as enhanced compensation alongwith the interest u/s 28 of the Land Acquisition Act, as income from other sources, whereas the enhanced compensation AMD interest received u/s 23(I-A), 23(2) AMD 28 is exempt as held by the Hon'ble Supreme Court AMD various Hon'ble Courts.*
3. *That the Learned CIT(A) has grossly erred in uploading the intimation order passed u/s 143(1) by the AO, CPC, Bangalore without appreciating the fact that intimation order is without proper jurisdiction AMD passed beyond the scope AMD powers enshrined u/s 143(1).*
4. *Without prejudice to the aforesaid grounds of appeal AMD strictly in the alternative the Ld. AO AMD CIT(A), has grossly erred in not allowing the benefit of 50% deduction of said sum duly allowable u/s 57 of the Income Tax Act.*
5. *That the appellant craves leave to add OR amend the grounds of appeal before the appeal is finally heard AMD disposed off.*

3. The Registry has pointed out that there is a delay of 113 days in filing of the appeal before the Tribunal. The Counsel of the Assessee has filed an application along with Affidavit on behalf of the Assessee, making prayer for condonation of delay. The affidavit of the Assessee is as under:



हरियाणा HARYANA

L 833557

**Affidavit before the Hon'ble Income Tax Appellate Tribunal,
Chandigarh Bench, Chandigarh, praying for condonation of Delay
of 113 days in filling the Appeal, ITA No. 750/Chandi/2025.**

I, Amardeep Choudhary, S/o Sh. Roshan Lal, aged around 62 years, resident of # 153, Sector 2, Panchkula, Haryana, do hereby solemnly affirm and declare on oath as under:-



That, deponent is purely an agriculturist. The order of the Ld. CIT(A) was received by the deponent on 29.11.2024 and appeal before this Hon'ble Court was to be filed upto 30.01.2025, which was actually filed on 23.05.2025 causing a delay of 113 days.

2. The deponent also humbly submits that the delay in filling appeal before this Hon'ble ITAT is genuine, bonafide and reasonable cause and is purely unintentional and because of the reasons beyond the control of the deponent, i.e. due to medical conditions of the deponent, as well as the medical conditions of the wife of the assessee. The deponent is suffering from Chronic Liver parenchymal Disease, Diabetes Mellitus type 2, Wrist

Amardeep

Drop Right, Hypertension etc. and is undergoing the treatment from various hospitals and doctors. Further, the wife of the assessee i.e. deponent herein, namely Mrs. Seema Chaudhary, is also suffering from Pulmonary Sarcoidosis and Benign Positional Paroxysmal Vertigo. And Because of such medical conditions of the assessee deponent as well as wife of the deponent, the deponent has to make several visits to various hospitals from last some so much time and therefore, could not file the appeal before this Hon'ble Court in time.

3. The deponent is also placing on record the medical history of his own as well as his wife suffering various medical ailments showing various visits to various hospitals during the period under consideration.
4. Further, the deponent also humbly prays that prima facie the case of the deponent is covered matter on merits of the case the appeal of the deponent is likely to be decided in favour of the deponent. Further it is apt to mention herein itself that due to highly unfortunate circumstances, the deponent could not file appeal in time before this Hon'ble court.
5. That whatever delay has occurred, i.e. of 113 days, it is genuine, bonafide, unintentional and purely because of the reasons beyond the control of the deponent. Therefore, it is humbly prayed to kindly condone the delay as condoning the delay in filing the appeal will not cause any prejudice to the 'Revenue' and further will serve the cause of justice and meet the ends of justice.
6. The deponent further, undertakes and assures that the deponent is very serious in pursuing the appeal, and therefore with folded hands humbly prays that delay may kindly be condoned as the deponent is not to get benefited by causing delay as the issue involved in the litigation is likely to be allowed in view of grounds taken in the appeal.



Amended

Therefore, the deponent has filed the accompanying application praying for condonation of delay of 113 days in filing the appeal.

That in case the delay is not condoned; the deponent shall suffer irreparable loss for reasons beyond the control of deponent

Place:

Date:

Amardeep
Deponent

Verification

I, Amardeep Choudhary, the above named deponent do hereby declare that the above contents of this affidavit of mine are true and correct to the best of my knowledge and belief and no part of it is wrong and nothing relevant has been concealed there-from.

Place:

Date:

Amardeep
Deponent



Attested
Naveen Kumar
NAVEEN KUMAR
Notary, PANCHKULA (Haryana)

The Deponent / Executant has signed the
Notarial Register at Sr. No. 11848
Page No. 448 Dated 16/12/25



4. We have considered the reasons given in the Application / Affidavit and keeping in view the facts and circumstances mentioned therein, we are inclined to condone the delay.

5. The ld. DR did not have any objection for condonation of delay. Accordingly, the delay in filing of the appeal is hereby condoned and we proceed to decide the appeal on merit.

6. Appeal on ground Nos. 1 and 5 are general in nature.

7. Appeal on ground No. 2 is against the addition of Rs. 1,66,05,363/- made on account of amount received by the Assessee as enhanced compensation along with interest of the Land Acquisition Act under as 'income from other sources'.

8. During proceedings before us, ld. Counsel for the Assessee made submissions that the Assessee is entitled for enhanced compensation alongwith interest u/s 28 of the Income Tax Act, 1961 (in short 'the Act') of the Land Acquisition Act and for this purpose he relied on the case laws i.e. 'CIT vs Ghanshyam (HUF) [(2009) 315 ITR 1 (SC)]. But

the Ld. CIT(A) did not accept the arguments of the Assessee and by noting down the provisions of Section 56(2)(viii) inserted by Finance Act No. 2 of 2009 w.e.f 1.4.2010, disallowed the claim of the Assessee and sustained the addition made by the lower authority. Against the said order of the Ld. CIT(A), the Assessee has filed this appeal before the Tribunal.

9. During proceedings before us, ld. Counsel for the Assessee again cited the case laws of 'CIT vs Ghanshyam' (supra) and argued that the Assessee should be allowed enhanced compensation and interest thereon.

10. Per contra, the ld. DR relied on the order of the Coordinate bench of ITAT Chandigarh wherein, the issue in question has been dealt and the Tribunal has already given detailed findings on this issue in its order passed on 11.11.2025 in a group of cases with leading case i.e. 'Ajay Kumar and Others vs ITO' in ITA No. 463/Chd/2023 for assessment year 2018-19. It has been pointed out by Ld. DR that in the said case (supra), it has been clearly held that after insertion of section 56(2)(viii), the Assessee cannot be

allowed the benefit of enhanced compensation and interest thereon in land acquisition cases.

11. We find that this ground is squarely covered by the detailed findings given by the Coordinate Bench on this issue in the case of 'Ajay Kumar and Others vs ITO (supra). Accordingly, we are of this considered view that the findings given by the Ld. CIT(A) on this issue does not require any interference. Accordingly, following our own order cited above, Assessee's appeal on this ground is dismissed

12. The appeal on ground No. 3 is against the order of the Ld. CIT(A) in upholding the intimation order u/s 143(1) by the AO-CPC, Bangalore on the ground that it was without proper justification. On this issue, the Ld. Addl. CIT(A) given a very clear and categorical finding in her order and we are of the considered view that the findings given by the her on this issue needs no interference. Accordingly, Assessee's appeal on this issue is dismissed.

13. Appeal on ground No.4 is for allowing benefit of 50% deduction of the said sum allowable u/s 57 of the Act. During proceedings before us, ld. Counsel for the Assessee argued that alternatively the Assessee should be allowed 50% deduction as allowable u/s 57 of the Act.

14. Per contra, the Ld. DR relied on the orders of the authorities below.

15. We have considered the arguments of the ld. Counsel for the Assessee as well as that of the Revenue. After considering the submissions, we direct the Assessing Officer to recompute the income of the Assessee keeping in view the allowable deduction to the extent of 50% of the Act, Thus, Assessee's appeal on this ground is allowed.

16. In the result, Assessee's appeal is partly allowed.

Order pronounced on 06.01.2026.

Sd/-

(LALIET KUMAR)
JUDICIAL MEMBER

Sd/-

(KRINWANT SAHAY)
ACCOUNTANT MEMBER

Rkk/abha

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF

ASSISTANT REGISTRAR

ITAT CHANDIGARH