

ITA No.08 of 2020

08.03.2021 Present: Mr. Vinay Kuthiala, Senior Advocate, with
Ms. Vandana Kuthiala, Advocate, for the
appellant.

Mr. Aman Sood, Advocate, for the respondent.

OMP (M) No.25 of 2020

For the reasons assigned in the application, the
delay in filing the appeal is condoned. The application is
disposed off accordingly.

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Heard. The following substantial questions of law
arise for consideration in this appeal:-

1. Whether the Hon'ble ITAT is right in quashing the
reopening of the case on the ground that the
requirements of Section 147 of the Act are not
fulfilled in the present case?
2. Whether the Hon'ble ITAT is right in holding that
the land in question was not a capital asset within
the meaning of Section 2(14) of the Act?
3. Whether the Hon'ble ITAT is right in holding that
the land remains agricultural land and has marked
not lost its original characteristics especially since
the land was sold and purchased as commercial
land and was treated as such?

Admit.

(Ravi Malimath)
Judge

(Jyotsna Rewal Dua)
Judge

March 08, 2021
Tarun/V.Himalvi