

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Income Tax Appeal No. 31/2026

The Principal Commissioner Of Income Tax,

----Appellant

Versus

Sh. Sita Ram Agarwal

----Respondent

For Appellant(s) : Mr. Siddharth Bapna
Ms. Tanushka Saxena

For Respondent(s) :

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

27/04/2026

Heard.

This appeal is admitted on the following substantial questions of law:-

"A. Because, the impugned order dated 12.08.2005 passed by the Learned Tribunal is perverse and contrary to the settled position of law.

B. Because, the impugned order dated 12.08.2005 passed by the learned Tribunal is contrary to the evidence on record and contrary to the settled proposition of law.

C. Because, the impugned order dated 12.08.2005 passed by the learned Tribunal is erroneous, perverse and has been passed on the basis of surmises and conjectures without appreciating the correct facts and circumstances of the case in light of the law applicable.

D. Because, the learned Tribunal has grossly erred by not appreciating the facts and circumstances of the case and the cogent reasoning given by the Assessing Officer while passing the Assessment Order.

E. Because, the learned ITAT has grossly erred in giving relief to the respondent-assessee by restricting the addition of Rs. 1,98,08,159/- made under section 69A of the Act merely to

Rs.1,33,14,259/- on account of allowing benefit of telescoping principle without considering the facts on record.

F. Because, the learned ITAT has grossly erred in giving relief to the assessee on account of non-application of provisions of section 115BBE of the act on the addition made under section 69A of the act stating that the provision of section 115BBE is applicable on transactions done on or after 01.04.2017 ignoring the fact that the provision was substituted by Taxation Law (Second Amendment) Act, 2016 which is applicable from the period under consideration i.e. 2017-18 and onwards.

H. Because, the learned ITAT has grossly erred and committed gross perversity in giving relief to the assessee by deleting the addition of Rs. 25,14,339/- made under section 69 of the Act on account of investment in construction of house by way of allowing benefit of telescoping principle without considering facts on record.”

Issue notice to the respondents.

(ASHOK KUMAR JAIN),J

(INDERJEET SINGH),J