IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR 'SMC' BENCH, NAGPUR
(Through Virtual)

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER

आयकर अपील सं. / ITA No.406/NAG/2026
Assessment Year : 2024-25

Kapish Hariprasad Poddar House No.1333, Bhagyodaya, Gokulpeth, Nagpur – 440010 PAN : AKMPP5205E	Vs.	Income Tax Officer, Ward-1(4), Nagpur
Appellant		Respondent

Appellant by	:	Shri Dinesh Jogani, Adv (through virtual)
Respondent by	:	Miss Jaya Lakhwani, Sr DR (through virtual)
Date of hearing	:	03.08.2026
Date of pronouncement	:	07.08.2026

आयकर अपील सं. / ITA No.414/NAG/2026
Assessment Year : 2024-25

Bina Pradeep Malli 5-1. Maa Umiya, Ambedkar Square, Bagadganj, Nagpur – 440008 PAN : ACCPM5028N	Vs.	Income Tax Officer, Ward-4(3), Nagpur
Appellant		Respondent

Appellant by	:	Shri Naresh Jakhotia (through virtual)
Respondent by	:	Miss Jaya Lakhwani, Sr DR (through virtual)
Date of hearing	:	03.08.2026
Date of pronouncement	:	07.08.2026

आदेश / ORDER

ITA No.406/NAG/2026 at the instance of assessee pertaining to A.Y. 2024-25 is directed against the order dated 24.02.2026 framed by National Faceless Appeal Centre, Delhi

(NFAC) arising out of Assessment Order dated 24.06.2025 passed u/s. 143(3) of the Income Tax Act, 1961 (in short 'the Act'). ITA No.414/NAG/2026 at the instance of assessee pertaining to A.Y. 2024-25 is directed against the order dated 17.02.2026 framed by Addl / JCIT(A)-1, Delhi arising out of Assessment Order dated 11.09.2025 passed u/s. 143(3) of the Income Tax Act, 1961 (in short 'the Act').

2. The common grievance in both these appeals is denial of rebate u/s 87A on the short term capital gain included in the total income.

3. I have heard the rival contentions and perused the record placed before me. I note that both the assessees in the instant case have claimed for rebate u/s 87A in the return of income, the total income which includes income from short term capital gain. However, the CPC has denied the rebate u/s 87A on the short term capital gain.

4. I have gone through the judicial precedents filed in the paper book by the assessee. Taking into note of the decision of the Mumbai Bench of the Tribunal in the case of *Pushpa Prakash Misar vs. ITO vide ITA No.741/MUM/2026 order dated 23.03.2026 for assessment year 2024-25* where also it has been held that on a plain reading of statutory provisions, there exists no express bar either in section 87A or section 111A for denial of rebate u/s 87A of the Act in respect of tax payable on Short Term Capital Gain arising from transfer of listed equity shares taxable at special rate u/s. 111A. Respectfully following the said judicial precedent, I direct the respective Jurisdictional Assessing Officers to grant the rebate u/s 87A

of the Act claimed by the assessee(s). The grounds of appeal raised by both the assessees are accordingly allowed.

5. In the result, both the appeals of the respective assessee(s) are allowed.

Order pronounced on this 7th day of August, 2026.

Sd/-
(MANISH BORAD)
ACCOUNTANT MEMBER

Nagpur/ दिनांक / Dated : 7th August, 2026.
GCVSR

Gajjala Chinna Venkata Subba Reddy

Digitally signed by Gajjala Chinna Venkata Subba Reddy
Date: 2026.08.10 09:46:48 +05'30'

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, नागपुर SMC बेंच, नागपुर / DR, ITAT, “Nagpur SMC Bench, Nagpur
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Assistant Registrar,
आयकर अपीलीय अधिकरण, नागपुर/ ITAT, Nagpur