



Moti B. Totlani

That not all legal heirs of a deceased assessee can be legal representative (L.R) therefore right to file appeal u/s 159(3) is available to only L.R as defined in section 2(29) of IT Act r.w.s. 2(11) of Code of Civil Procedure because L.R in law represents the estate of a deceased person. (Yogesh Bhomraj Porwal v. PCIT- ITA No. 056/PUNE/2021 dt.01-11-23) That date of allotment letter leads to creation of proper and effective right over the capital asset/residential unit, such date of allotment would be relevant date for the purpose of capital gain tax as a date of acquisition - Ss.54 & 54F. (Pr. CIT v. Vembu Vaidyanathan, ITA No. 1459 of 2016, dt. 22-1-2019 (Bom.)(HC) That sale of under construction property is not sale of residential property, benefit claimed u/s. 54F is allowable .The assessee had sold the flat, and same was still und.....