

2. Since common grievance is involved in both these appeals, they were heard together and are disposed of by this common order for the sake of convenience and brevity.
3. Both these appeals relate to the levy of penalty u/s. 271(1)(c) of the Act, though quantum of penalty may differ.
4. At the very outset, the Id. counsel for the assessee stated that the additions made in the impugned assessment were deleted by the Tribunal by a consolidated order dated 14.06.2016. It is the say of the Id. counsel that since the quantum additions have been deleted, there should not be any levy of penalty u/s. 271(1)(c) of the Act.
5. The Id. D.R. fairly conceded to this.
6. We have carefully considered the orders of the authorities below. We find force in the contention of the Id. counsel. The Tribunal by a consolidated order dated 14.06.2016 had the occasion to consider the quantum additions made in the respective hands. We find that the additions have been deleted by the Tribunal in ITA Nos. 484/Ahd/2012 & 482/Ahd/2012. Since the foundation has been removed, the super structure must fall. We accordingly direct the A.O. to delete the penalty so levied from the respective hands.

7. In the result, both these appeals are allowed.

Order pronounced in Open Court on 29 - 09- 2017

Sd/-

(S. S. GODARA)
JUDICIAL MEMBER True Copy
Ahmedabad: Dated 29/09/2017

Sd/-

(N. K. BILLAIYA)
ACCOUNTANT MEMBER

Rajesh

Copy of the Order forwarded to:-

1. The Appellant.
2. The Respondent.
3. The CIT (Appeals) –
4. The CIT concerned.
5. The DR., ITAT, Ahmedabad.
6. Guard File.

By ORDER

Deputy/Asstt.Registrar
ITAT,Ahmedabad