

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'C' NEW DELHI**

**BEFORE SHRI S.K. YADAV, JUDICIAL MEMBER
&
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

**ITA Nos.-1604 & 1607/Del/2016
(Assessment Years: 2002-03 & 2003-04)**

Gurukul Technologies Pvt. Ltd. Room No. 207, IInd Floor, G.K. House, 187A Sant Nagar, East of Kailash, New Delhi. AABCG8284C	vs	ITO Ward 1(1) Noida
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Assessee by	None
Revenue by	Sh. S.L. Anuragi, Sr. DR

Date of Hearing	24.05.2018
Date of Pronouncement	24.05.2018

ORDER

PER SHRI S.K. YADAV, J.M.

These appeals are preferred by the assessee against the respective orders of the Ld. Commissioner of Income Tax (Appeals) (hereinafter called as the "CIT(A)") confirming the penalty levied u/s 271(1)(c) of the Income Tax Act, 1961 (hereinafter called as the 'Act').

2. During the course of hearing, the Ld. Counsel for the assessee has moved an application for the withdrawals of these appeals on the ground that these penalties are levied on account

of additions made in the assessment order passed u/s 144 read with Section 263 of the Act and the order passed by the CIT(A) u/s 263 of the Act for both the assessment years i.e. 2002-03 and 2003-04 was set aside by the Tribunal, vide its order dated 25.05.2017 & 12.05.2016. Therefore, the impugned penalties are not sustainable in the eyes of law.

3. The Ld. DR did not dispute these facts.

4. Having carefully examined the orders of the Tribunal and the orders of the authorities below, we find that the foundation on the basis of which penalty u/s 271(1)(c) of the Act, was levied, has been eroded. Therefore, the penalties levied u/s 271(1)(c) of the Act are not sustainable in the eyes of law. We, accordingly, allow the withdrawal of the appeals filed by the assesses.

5. In the result, the appeals of the assessee stand dismissed as withdrawn.

Order pronounced in the open court on 24.05.2018

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated: 24.05.2018

*Kavita Arora

Sd/-
(S.K. YADAV)
JUDICIAL MEMBER

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

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ASSISTANT REGISTRAR
ITAT NEW DELHI

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Date on which file goes to the Head Clerk.	
Date of dispatch of Order.	