

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "SMC": DELHI**

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER

**ITA. No. 196/Del/2018
Assessment Year 2013-14**

M/s B.P.Raturi D 223, Sector 10 Noida 201 301, UP PAN: AAHFB6580B (Appellant)	vs.	ACIT, Circle-1 Noida (Respondent)
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For Assessee :	Sh. Om Prakash, C.A.
For Department :	Shri S.L. Anuragi, Sr. D.R.

Date of Hearing :	13.06.2018
Date of Pronouncement :	19.06.2018

ORDER

This appeal by assessee has been directed against the order of Ld. CIT(A)-I, Noida dated 25.09.2017 for the A.Y. 2013-14 challenging the levy of penalty u/s 271(1)(c) of the Income Tax Act, 1961 (the Act).

2. Briefly the facts of the case are that the A.O. made addition of Rs.4,72,309/- on account of disallowance of interest u/s 14A read with Rule 8D. The A.O. levied penalty on this addition u/s 271(1)(c) of the Act. The Ld.CIT(A) dismissed the appeal of assessee confirming the penalty order.

3. Ld.Counsel for the assessee at the outset submitted that ITAT SMC Bench in the case of assessee for A.Y. under appeal in ITA 5837/Del/17 vide order dated 7th Feb., 2018 deleted the addition and allowed the appeal of assessee, therefore, no basis left for levy of

penalty. Copy of the order placed on record and provided to Ld.D.R. who did not dispute the same.

4. In view of the above, I am of the view that no penalty is leviable as the addition on which penalty imposed has already been deleted by the Tribunal, therefore, there is no basis left for Revenue to levy the penalty 271(1)(c) of the Act.

5. Accordingly, I set aside the orders of authorities below and cancel the penalty.

6. In the result, the appeal of assessee is allowed.

Order pronounced in the open Court.

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Dated : the 19th June, 2018

**gmu*

Copy forwarded to: -

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR, ITAT

- TRUE COPY -

By Order,

ASSISTANT REGISTRAR
ITAT, Delhi Benches