

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH : F : NEW DELHI

BEFORE SHRI R.S. SYAL, VICE PRESIDENT
AND
SMT. BEENA A. PILLAI, JUDICIAL MEMBER

ITA No.1728/Del/2015
Assessment Year: 2002-03

Rajesh Bhatia,
5163, Kohlapur Road,
Kamla Nagar,
Delhi.

Vs. ITO,
Ward-20(1),
New Delhi.

PAN : AAHPB6307N

(Appellant)

(Respondent)

Appellant by : Shri K.R. Manjani, Advocate
Respondent by: Shri Ravi Kant Gupta, Sr.DR

Date of Hearing : 08.08.2018
Date of Pronouncement: 09.08.2018

ORDER

PER R.S. SYAL, VP:

This appeal by the assessee is directed against the order passed by the CIT(A) on 09.12.2014 confirming penalty of Rs.2,10,000/- imposed by the Assessing Officer u/s 271(1)(c) of the Income-tax Act, 1961 (hereinafter also called 'the Act') in relation to Assessment Year 2002-03.

2. We have heard both the sides and perused the relevant material on record. It is observed that the Assessing Officer imposed penalty of Rs.2,10,000/- in respect of addition of Rs.7 lac for two loans. The ld. CIT(A) sustained the penalty. The appeal of the assessee against the quantum addition came up for consideration before the Tribunal. Vide order dated 24.07.2015 in ITA No.2021/Del/2013, whose copy has been placed on record, the Tribunal has deleted the addition of Rs.7lac. Since the very foundation of the penalty, being the addition of Rs.7 lac, ceases to exist, there can be no question of any penalty. We, therefore, order to delete the penalty.

3. In the result, the appeal filed by the assessee is allowed.

The decision was pronounced in the open court on 09.08.2018.

Sd/-

[BEENA A. PILLAI]
JUDICIAL MEMBER

Sd/-

[R.S. SYAL]
VICE PRESIDENT

Dated: 09.08.2018

dk

Copy forwarded to

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

Dy. Registrar, ITAT, New Delhi