

IN THE INCOME TAX APPELLATE TRIBUNAL  
AHMEDABAD “A” BENCH AHMEDABAD

BEFORE, SHRI N. K. BILLAIYA, ACCOUNTANT MEMBER  
AND SHRI S. S. GODARA, JUDICIAL MEMBER

ITA Nos. 1884 to 1886/Ahd/2014  
(Assessment Years: 1994-95 to 1996-97)

Bakeri Engineers & Industries Ltd.,  
1<sup>st</sup> Floor, Sanskrut, Near Gujarat  
High Court, Navrangpura, Ahmedabad

Appellant

Vs.

Dy. Commissioner of Income-tax,  
Circle – 1, Ahmedabad

Respondent

PAN: AAACB6170F

आवेदक की ओर से/By Assessee : Shri Bharat S. Shah, A.R.  
राजस्व की ओर से/By Revenue : Shri K. Madhusudan, Sr. D.R.  
सुनवाई की तारीख/Date of Hearing : 24.07.2017  
घोषणा की तारीख/Date of  
Pronouncement : 26.07.2017

**ORDER**

**PER S. S. GODARA, JUDICIAL MEMBER**

These three assessee's appeals for assessment years 1994-95 to 1996-97 arise from the CIT(A)-II, Ahmedabad's separate orders; all dated 14.03.2014 passed in case nos. CIT(A)-II/DCIT Circle-1/362/13-14, CIT(A)-II/DCIT Circle-1/276/14 & CIT(A)-II/DCIT Circle-1/277/13-14, upholding Assessing Officer's identical action imposing penalties of Rs.4,07,906/-,

Rs.5,70,400/- and Rs.4,75,224/-; respectively, in proceedings u/s. 271(1)(c) of the Income Tax Act, 1961; in short “the Act”.

2. Learned counsel representing assessee submits at the outset that the impugned penalties arise from quantum additions made by the Assessing Officer after concluding that it ought to follow mercantile system of accounting than the receipt based one qua its Sampada scheme involving the corresponding residential projects namely Sakar -I to III, Sampada and Suramya. He then informs us that the Assessing Officer’s abovestated quantum addition involved respective sums of Rs.8,86,754/-, Rs.12,40,000/- and Rs.10,33,096/- in respect of the impugned assessment years. The assessee thereafter produces before us a copy of this tribunal’s order in quantum appeals ITA Nos. 187 to 189/Ahd/2011 decided on 08.08.2016 deleting the above three additions. The Revenue fails to dispute all these developments during the pendency of instant appeals. We thus conclude that the impugned penalties have no legs to stand since quantum addition(s) stand deleted. We follow the suit herein as well and delete the impugned penalties.

3. These three assessee’s appeals are allowed.

[Pronounced in the open Court on this the 26<sup>th</sup> day of July, 2017.]

Sd/-  
(N. K. BILLAIYA)  
ACCOUNTANT MEMBER  
Ahmedabad: Dated 26/07/2017

Sd/-  
(S. S. GODARA)  
JUDICIAL MEMBER

True Copy

S.K.SINHA

आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-

1. राजस्व / Revenue
2. आवेदक / Assessee
3. संबंधित आयकर आयुक्त / Concerned CIT

4. आयकर आयुक्त- अपील / CIT (A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, अहमदाबाद /  
DR, ITAT, Ahmedabad
6. गार्ड फाइल / Guard file.

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण, अहमदाबाद ।