

आयकर अपीलिय अधीकरण, न्यायपीठ – “C” कोलकाता,  
*IN THE INCOME TAX APPELLATE TRIBUNAL  
KOLKATA BENCH “C” KOLKATA*

Before **Shri S.S.Godara, Judicial Member** and  
**Dr. A.L. Saini, Accountant Member**

**ITA No.182-183/Kol/2018**  
Assessment Year :2005-06

Calcutta Tent Manufacturing Co., 1, Chitpur Ghat Lane, Kolkaa-700002 <b>[PAN No.AABFC 7917 K]</b>	<b>V/s.</b>	ACIT, Range-44 3, Govt. Place (W), Kolkata-700001
अपीलार्थी /Appellant	..	प्रत्यर्थी/Respondent

अपीलार्थी की ओर से/By Appellant	None
प्रत्यर्थी की ओर से/By Respondent	Shri Sauarabh Kumar, Addl. CIT-DR
सुनवाई की तारीख/Date of Hearing	15-01-2019
घोषणा की तारीख/Date of Pronouncement	15-02-2019

**आदेश / O R D E R**

**PER S.S.Godara, Judicial Member:-**

These assessee's appeal for assessment year 2005-06 arises from the Commissioner of Income Tax (Appeals)-21 Kolkata's separate orders; dated 13.12.2017, passed in case No.1379-1378/Addl.CIT,R-41/CIT(A)-21/KOL/2005-06 affirming Assessing Officer's action(s) levying u/s 271D & 271E penalt(ies); respectively involving u/s 271D r.w.s. 271E of the Income Tax Act, 1961; in short 'the Act'.

Case called twice. The assessee does not put in appearance despite the fact that the registry has already sent an RPAD notice dated 13.12.2018. It is accordingly proceeded *ex parte*.

2. Learned Departmental Representative vehemently contends during the course of hearing that both the lower authorities have rightly penalized the assessee having received a repaid cash of ₹57,000/- & ₹62,000/- u/s 271D and 271E of the Act. It transpires at the outset during the course of hearing

that none of the assessee's cash transactions in both receiving as well as repaying loan exceeds ₹20,000/- statutory limit prescribed u/s.269SS and u/s 269T of the Act. The assessee had obtained its cash loan from relatives of its partners. Hon'ble Rajasthan high court's decision in *CIT vs. Raj Kumar Sharma* (2007) 294 ITR 131 (Raj) holds that the impugned penalt(ies) are not sustainable in case the transactions in question do not exceed the specified limit of ₹20,000/-. The assessee therein had taken aggregate loan(s) of ₹90,000/- in the relevant previous forming subject-matter of adjudication. We therefore conclude in the instant case as well that both the lower authorities have erred in imposing sec. 271D and whilst 271E penalty in issue. The same are directed to be deleted.

3. These two assessee's appeals are allowed.

Order pronounced in the open court 15/02/2019

Sd/-  
(लेखा सदस्य)  
(Dr.A.L. Saini)  
(Accountant Member)  
Kolkata,  
\*Dkp, Sr.P.S

Sd/-  
(न्यायिक सदस्य)  
(S.S.Godara)  
(Judicial Member)

दिनांक:- 15/02/2019 कोलकाता ।

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

1. अपीलार्थी/Appellant-Calcutta Tent Manufacturing Co. 1, Chitpur Ghat Lane, Kolkata-002
2. प्रत्यर्थी/Respondent-ACIT, Range-44, 3, Govt. Place (W), Kolkata-001
3. संबंधित आयकर आयुक्त / Concerned CIT Kolkata
4. आयकर आयुक्त- अपील / CIT (A) Kolkata
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कोलकाता / DR, ITAT, Kolkata
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

उप/सहायक पंजीकार  
आयकर अपीलीय अधिकरण,  
कोलकाता ।