

**IN THE INCOME TAX APPELLATE TRIBUNAL
"SMC" BENCH, AHMEDABAD**

[Before Shri Pramod Kumar, Vice President]

ITA No. 3470/Ahd/2016
Assessment Year : 2011-12

Capiq Engineering Pvt LtdAppellant
*B-5/13-14, BIDD Gorwa Estate,
Vadodara – 390 016
[PAN – AAACC 7894 H]*

Vs.

Income-Tax OfficerRespondent
Ward 1(1), Baroda

Appearances by:

Kinjal Shah *for the appellant*
Apoorva Bhardwaj *for the respondent*

Date of concluding the hearing : 13.02.2019
Date of pronouncing the order : 18.02.2019

O R D E R

1. By way of this appeal, the assessee appellant has challenged correctness of learned CIT(A)'s order dated 14.10.2016 upholding penalty of Rs.3,30,850/- imposed on the assessee under section 271(1)(c) of the Income Tax Act, 1961 for the assessment year 2011-12.

2. Vide order dated 3rd December 2018, a co-ordinate bench of this Tribunal has deleted the quantum addition in respect of which the impugned penalty was levied. As the quantum addition stands deleted, the very foundation of impugned penalty ceases to hold good in law. The penalty is also, therefore, deleted.

3. In the result, the appeal is allowed. Pronounced in the open court today on the 18th February, 2019.

Sd/-

**Pramod Kumar
(Vice President)**

Ahmedabad, the 18th day of February, 2019

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Copies to: (1) The appellant
(2) The respondent
(3) Commissioner
(4) CIT(A)
(5) Departmental Representative
(6) Guard File

By order

TRUE COPY

Assistant Registrar
Income Tax Appellate Tribunal
Ahmedabad benches, Ahmedabad