

**IN THE INCOME TAX APPELLATE TRIBUNAL
RANCHI BENCH, RANCHI**

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

ITA No.193/Ran/2017
Assessment Year :2013-14

Shri Arun Agarwal Arunodaya, Sundernagar, Jamshedpur-832107 [PAN No.AAYPA 3161 G]	V/s.	DCIT, Central Circle- 2, Ranchi
अपीलार्थी /Appellant	..	प्रत्यर्थी/Respondent

अपीलार्थी की ओर से/By Appellant	Shri Devesh Poddar, Advocate
प्रत्यर्थी की ओर से/By Respondent	Shri P.K. Mondal, JCIT-DR
सुनवाई की तारीख/Date of Hearing	07-01-2019
घोषणा की तारीख/Date of Pronouncement	11-01-2019

आदेश /ORDER

PER BENCH:-

This assessee's appeal for assessment year 2013-14 arises against the Commissioner of Income Tax (Appeals)-3 Patna's order dated 31.07.2017 passed in case No.143/CIT(A)-3/PAT/15-16 involving proceedings u/s 271AAB of the Income Tax Act, 1961; in short 'the Act'.

Heard both the parties. Case file perused

2. The assessee's three substantive grounds raised in the instant appeal challenges both the lower authorities' action imposing sec 271AAB penalty of Rs.11,26,500/-. We sought to know during the course of hearing as to whether the impugned penalty is based on any specified material prescribed in u/s 271AAB Explanation clause (c) of the Act or not. Learned Departmental

Representative fails to indicate that the authorized officer or the Assessing Officer have referred to specified category of assets in the nature of any money, bullion, jewellery or valuable articles or thing or any entry in the books of account or other documents or transactions. His only case is that the same is based on assessee's disclosure during the course of search in question dated 21.12.2012. We observe in these facts and circumstances that we are dealing with a penalty provision in a tax statute to be strictly interpreted. We therefore hold that both the lower authorities' have erred in imposing the impugned penalty in assessee's case to the tune of Rs.11,26,500/-. The same accordingly stands deleted.

3. This assessee's appeal is allowed.

Order pronounced in the open court 11/01/2019

Sd/-

(लेखा सदस्य)

(Dr. A.L. Saini)

(Accountant Member)

Ranchi,

Sd/-

(न्यायिक सदस्य)

(S.S.Godara)

(Judicial Member)

*Dkp

दिनांक:- 11/01/2019 Ranchi I

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

1. अपीलार्थी/Appellant-Shri Arun Agarwal, Arunodaya, Sundernagar, Jamshedpur-832107
2. प्रत्यर्थी/Respondent-DCIT, Central Circle-2, Ranchi
3. संबंधित आयकर आयुक्त / Concerned CIT Ranchi
4. आयकर आयुक्त- अपील / CIT (A) Ranchi
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, / DR, ITAT, Ranchi
6. गार्ड फाइल / Guard file.

/True Copy/

By order/आदेश से,

SR.PS, ITAT, RANCHI