

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G': NEW DELHI

BEFORE SHRI G.D. AGRAWAL, VICE PRESIDENT AND
MS. SUCHITRA KAMBLE, JUDICIAL MEMBER

ITA No.1955/Del/2015
Assessment Year : 2006-07

M/s SMV Agencies Pvt.Ltd.,
1862, Mahalaxmi Market,
Bhagirath Place,
Chandni Chowk,
Delhi.

PAN : AAACS3405J.

(Appellant)

Vs. Additional Commissioner of
Income Tax,
Range-51,
New Delhi.

(Respondent)

Appellant by : Smt. Manju Yadav, Advocate.
Respondent by : Shri N.K. Bansal, Senior DR.

Date of hearing : 16.04.2019
Date of pronouncement : 22.04.2019

ORDER

PER G.D. AGRAWAL, VICE PRESIDENT :-

This appeal by the assessee for the assessment year 2006-07 is directed against the order of learned CIT(A)-41, New Delhi dated 14th January, 2015.

2. The only ground raised in this appeal is against the levy of penalty under Section 272A(2)(k) amounting to ₹21,400/-.

3. We have heard the arguments of both the sides and perused the material placed before us. We find this issue to be squarely covered by the decision of ITAT in assessee's own case vide ITA No.1956/Del/2015, wherein the ITAT cancelled the penalty levied under Section 272A(2)(k) with the following observation :-

“3. On a perusal of the impugned order, we find that the Id.CIT(A) acknowledged the fact that in the F.Y. 2005-06 filing of e-TDS return was introduced and there was a change from filing annual returns to quarterly returns. It is further stated that in respect of the first quarter also there occurred some delay. It is, therefore, clear that with the introduction of the e-TDS return filing and change from the filing of annual returns to quarterly returns the delay was caused. There is nothing unacceptable in the explanation of the assessee that the cause of delay was the non-acquaintance of the staff with the newly introduced procedures. In the circumstances, we are of the considered opinion that the violation in this respect is a venial breach of law and does not attract penalty proceedings in the very first year of introduction of the new procedures. We, therefore, delete the addition.”

4. Since the facts in the case under appeal before us are identical, we, respectfully following the above decision of ITAT, cancel the penalty levied under Section 272A(2)(k) of the Act.

5. In the result, the appeal of the assessee is allowed.

Decision pronounced in the open Court on 22.04.2019.

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Sd/-
(G.D. AGRAWAL)
VICE PRESIDENT

VK.

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1. Appellant : **M/s SMV Agencies Pvt.Ltd.,
1862, Mahalaxmi Market, Bhagirath Place,
Chandni Chowk, Delhi.**
2. Respondent : **Additional Commissioner of Income Tax,
Range-51, New Delhi.**
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar