

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.2714/Del/2016
Assessment Year : 2005-06

M/s Techno Blast (P) Ltd.,
C/o Bharat Explosives Ltd.,
2nd Floor, Indraprakash
Building,
21, Barakhamba Road,
New Delhi.
PAN : AABCT2367H.
(Appellant)

Vs. Assistant Commissioner of
Income tax,
Circle-1,
Noida (UP).

(Respondent)

Appellant by : Dr. R.M. Mehta, CA.
Respondent by : Shri S.S. Rana, CIT-DR.

Date of hearing : 22.04.2019
Date of pronouncement : 22.04.2019

ORDER

PER G.D. AGRAWAL, VICE PRESIDENT :-

This appeal by the assessee for the assessment year 2005-06 is directed against the order of learned CIT(A)-I, Noida dated 29th February, 2016 against the levy of penalty of ₹5,55,000/- under Section 271(1)(c) of the Income-tax Act, 1961.

2. We have heard the arguments of both the sides and perused the material placed before us. It was pointed out by the learned counsel that the penalty has been levied in respect of the disallowance of commission of ₹15,16,345/-. The ITAT, in the quantum appeal vide ITA No.1203/Del/2011, has deleted this addition. He stated that since the addition itself has been deleted, the penalty does not survive. Copy of

the said order has been placed before us. We agree with the learned counsel that once the addition itself has been deleted, the penalty based upon such addition cannot survive. Accordingly, we cancel the penalty levied under Section 271(1)(c) of the Act.

3. 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.

Copy forwarded to: -

1. Appellant : **M/s Techno Blast (P) Ltd.,
C/o Bharat Explosives Ltd.,
2nd Floor, Indraprakash Building,
21, Barakhamba Road, New Delhi.**
2. Respondent : **Assistant Commissioner of Income tax,
Circle-1, Noida (UP).**
3. CIT
4. CIT(A)
5. DR, ITAT

Assistant Registrar