

आयकर अपीलीय अधिकरण, जयपुर न्यायपीठ, जयपुर
IN THE INCOME TAX APPELLATE TRIBUNAL, JAIPUR BENCHES "B", JAIPUR

श्री रमेश सी शर्मा, लेखा सदस्य एवं श्री विजय पाल राव, न्यायिक सदस्य के समक्ष
BEFORE: SHRI RAMESH C SHARMA, AM & SHRI VIJAY PAL RAO, JM

आयकर अपील सं./ITA No.104/JP/2019

निर्धारण वर्ष / Assessment Year :2010-11

A.C.I.T, CIR-2, Jaipur	बनाम Vs.	M/s. J.V.S Foods P.Ltd 18 New Colony, M.I Road, Jaipur
स्थायी लेखा सं./जीआईआर सं./PAN/GIR No. AAACJ4620Q		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

राजस्व की ओर से / Revenue by : Shri Kailash Mangal, Addl.CIT, Id.DR
निर्धारिती की ओर से / Assessee by: Shri Rohan Sogani, ACA, Id.AR

सुनवाई की तारीख / Date of Hearing : 16/04/2019

उदघोषणा की तारीख / Date of Pronouncement : 23/04/2019

आदेश / ORDER

PER: R.C. SHARMA, A.M.

This is an appeal filed by the revenue against the order of Id.CIT(A)-1, Jaipur dated 01/11/2018 for the A.Y. 2010-11 in the matter of imposition of penalty u/s. 271(1) (c) of the Income Tax Act, 1961 (in short the Act).

2. Rival contentions have been heard and record perused.

3. At the outset the Id.AR placed on record the order of Tribunal, in assessee's own case dated 16-07-2018, wherein additions so made have been deleted. The Id.AR also placed on record the order of Hon'ble Rajasthan High Court dated 14-03-2019 confirming the above order of Tribunal.

4. In view of above, it was contended by the Id. AR that since additions have been deleted penalty so levied has no legs to stand.

5. We have considered the rival contentions and carefully gone through the orders of the authorities below and found from the record that in this case penalty has been imposed with respect to additions made by disallowing the exemption claimed u/s. 10(38) of the Act. Against the addition(s) the assessee approached the Tribunal and the Tribunal vide its order dated 16-07-2018 deleted the additions by observing at paras 4 to 5 at pages 7 to 16 of the said order. We found that Hon'ble Rajasthan High Court vide its order dated 14-03-2019 has confirmed the said order of the Tribunal. The Id. DR has also fairly conceded that quantum addition has been deleted by the Tribunal. Since quantum addition(s) have been deleted, the imposition of penalty has no legs to stand. Accordingly, we confirm the impugned order of the Id. CIT(A) deleting the imposition of penalty of Rs.90,00,000/- levied u/s. 271(1)(c) of the Act. Accordingly, we confirm the order of Id. CIT(A). Accordingly, Grounds raised by the revenue are dismissed.

6. In the result, appeal of the revenue is dismissed.

Order pronounced in the open court on ...23 April, 2019.

Sd/-

(विजय पाल राव)

(VIJAY PAL RAO)

न्यायिक सदस्य / Judicial Member

Sd/-

(रमेश सी शर्मा)

(RAMESH C SHARMA)

लेखा सदस्य / Accountant Member

जयपुर / Jaipur

दिनांक / Dated:- 23/04/ 2019

***PP/SPS**

आदेश की प्रतिलिपि अग्रेषित / Copy of the order forwarded to:

1. अपीलार्थी / The Appellant/Revenue-The ACIT,Cir-2, Jaipur.
2. प्रत्यर्थी / The Respondent- M/s. J.V.S Foods Pvt. Ltd, Jaipur.
3. आयकर आयुक्त / CIT
4. आयकर आयुक्त(अपील) / The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, जयपुर / DR, ITAT, Jaipur
6. गार्ड फाईल / Guard File (ITA No. 104/JP/2019
आदेशानुसार / By order,

सहायक पंजीकार / Asst. Registrar