

IN THE INCOME TAX APPELLATE TRIBUNAL
(DELHI BENCH 'G' : NEW DELHI)
BEFORE SHRI H.S. SIDHU, JUDICIAL MEMBER
AND
SHRI B.R.R. KUMAR, ACCOUNTANT MEMBER

ITA NO. 1703/DEL/2017
(A.Y. 2004-05)

SCHLEICHER INDIA LTD. (NOW KNOWN AS M/S AZALEA SYSTEMS INDIA LTD.) C/O M/S RRA TAXINDIA D-28, SOUTH EXTENSION, PART-I, NEW DELHI - 49 (PAN: AAACM1960G)	VS.	ACIT, CC-18, NEW DELHI
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Assessee By	Sh. Deepesh Garg, Sh. Pulkit Advani, Adv.
Revenue By	Ms. Ashima Neb, Sr. DR

ORDER

PER H.S. SIDHU, JM

Assessee has filed this appeal against the impugned order dated 27.1.2017 passed by Ld. CIT(A)-27, New Delhi on the issue of penalty of Rs. 18,83,440/- made u/s. 271(1)(c) of the I.T. Act, 1961.

2. Facts narrated by the revenue authorities are not disputed by both the parties, hence, the same are not repeated here for the sake of convenience.

3. At the time of hearing, Ld. Counsel for the assessee submitted that in the quantum appeal, the additions have already been deleted by the Tribunal vide order dated 24.3.2017 in assessee's own case in ITA No.

6253/Del/2013 (AY 2004-05), hence, the penalty in dispute does not stand in the eyes of law and needs to be deleted and appeal of the assessee may accordingly be allowed.

4. At the time of hearing, Ld. DR relied upon the orders of the authorities below.

5. We have heard both the parties and perused the records especially the impugned order as well as the Tribunal's order dated 24.3.2017 in Assessee's own case. We find that the Tribunal in assessee's own case in ITA No. 6253/Del/2013 AY 2004-05 vide order dated 24.3.2017 has allowed the Assessee's quantum Appeal, hence, the penalty in dispute in the present case, does not stand in the eyes of law. Therefore, we delete the penalty in dispute and allow the grounds of Assessee.

6. In the result, the Appeal of the Assessee is allowed.

Order pronounced on this 9th day of July, 2019.

Sd/-

(B.R.R. KUMAR)
ACCOUNTANT MEMBER

Dated the 09th day of July, 2019
SRB

Copy forwarded to:-

1. Appellant
2. Respondent
3. CIT
4. CIT(A), New Delhi.
5. CIT(ITAT), New Delhi

Sd/-

(H.S. SIDHU)
JUDICIAL MEMBER

AR, ITAT

