

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "G" : DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI ANADEENATH MISSHRA, ACCOUNTANT MEMBER

ITA.No.1761/Del./2017
Assessment Year 2005-2006

Shree Radhey Technologies Private Limited, 1/18-B, Asaf Ali Road, New Delhi PIN 11002 PAN AAHCS5469H	vs.	The ACIT, Circle - 14, New Delhi.
(Appellant)		(Respondent)

For Assessee :	Shri S.K. Chaturvedi, C.A.
For Revenue :	Shri S.S. Rana, CIT-D.R.

Date of Hearing :	01.08.2019
Date of Pronouncement :	06.08.2019

ORDER

PER BHAVNESH SAINI, J.M.

This appeal by Assessee has been directed against the Order of the Ld. CIT(A)-8, New Delhi, Dated 07.12.2016, for the A.Y. 2005-2006, challenging the levy of penalty under section 271(1)(c) of the I.T. Act, 1961.

2. Briefly the facts of the case are that the A.O. passed the assessment order under section 153C of the I.T.

Act Dated 31.03.2009 making addition of Rs.2 lakhs on account of sale consideration which the assessee has not accounted for. The A.O. at this stage made addition and levied the penalty under section 271(1)(c) of the I.T. Act. The Ld. CIT(A) dismissed the appeal of assessee.

3. Learned Counsel for the Assessee at the outset submitted that ITAT, Delhi G-Bench in the case of the same assessee for the assessment year under appeal in ITA.No.3227/Del./2013 vide Order Dated 06.04.2018 has set aside the Orders of the authorities below and allowed the appeal of assessee. The addition, therefore, stands deleted. Copy of the Order is placed on record. The Ld. D.R. did not dispute the same.

4. In view of the above facts it is clear that the addition on which penalty have been imposed under section 271(1)(c) of the I.T. Act have been deleted by the Tribunal, therefore, nothing left for the Revenue so as to levy the penalty against the assessee. We, accordingly, set aside the Orders of the authorities below and cancel the penalty.

5. In the result, appeal of Assessee allowed.

Order pronounced in the open Court.

Sd/-
(ANADEENATH MISSHRA)
ACCOUNTANT MEMBER

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Delhi, Dated 06th August, 2019

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT 'G' Bench, Delhi
6.	Guard File.

// BY Order //

Assistant Registrar : ITAT Delhi Benches :
Delhi.