

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, "बी", चण्डीगढ़
IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH, 'B', CHANDIGARH

श्री संजय गर्ग, न्यायिक सदस्य एवं श्रीमती अन्नपूर्णा गुप्ता, लेखा सदस्य
BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER AND
Ms. ANNAPURNA GUPTA, ACCOUNTANT MEMBER

आयकर अपील सं./ ITA No. 1530/CHD/2018

निर्धारण वर्ष / Assessment Year : 2012-13

The ACIT, Circle 5(1), Chandigarh	बनाम	M/s Venus Remedies Ltd., SCO 857, Cabin No.10, Ist Floor, NAC, Manimajra, Chandigarh
स्थायी लेखा सं./PAN No: AAACV6524H		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

निर्धारिती की ओर से/Assessee by : Shri S.C. Gupta, ITP \&
Shri Jaspal Sharma, Advocate

राजस्व की ओर से/ Revenue by : Shri Manjit Singh, CIT DR

सुनवाई की तारीख/Date of Hearing : 26.11.2019

उदघोषणा की तारीख/Date of Pronouncement : 26.11.2019

आदेश/Order

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the Revenue against the order dated 28.09.2018 of the Commissioner of Income Tax-2, Chandigarh [hereinafter referred to as 'CIT(A)'] agitating the action of the Ld. CIT(A) in deleting the penalty u/s 221(1) of the Income Tax Act, 1961 (in short 'the Act') levied by the Assessing Officer.

2. The Assessing Officer levied the impugned penalty for non-payment of self-assessment tax along with interest. However, the assessee submitted before the Ld. CIT(A) that the assessee was in heavy financial crunch. He demonstrated before the Ld. CIT(A) that its funds were utilized in payment of loans and taxes. Though, the Assessing Officer in the impugned order had observed that the assessee earned sufficient profits in the subsequent years, however, the assessee demonstrated before the Ld. CIT(A) that all the profits earned by the assessee were got utilized in payment of outstanding liabilities. The assessee despite of financial difficulties was able to run the business.

3. Considering the submissions of the assessee which were corroborated with the accounts of the assessee, the Ld. CIT(A) invoking the second proviso to section 221(1) of the Act deleted the impugned penalty observing that the default on the part of the assessee was on account of good and sufficient reasons.

4. Being aggrieved by the above order of the CIT(A), the Revenue has come in appeal before us.

5. We, after considering the rival contentions of the Ld. Authorized Representatives of both the parties and having gone through the material available on record, find that the Ld. CIT(A) has discussed and

deliberated upon the issue, and we do not find any infirmity in the order of the CIT(A), the same is therefore, upheld.

In the result, the appeal of the Revenue stands dismissed.

Order dictated and pronounced in the Open Court immediately on completion of hearing.

Sd/-

(अन्नपूर्णा गुप्ता / ANNAPURNA GUPTA)
लेखा सदस्य/ Accountant Member

Sd/-

(संजय गर्ग / SANJAY GARG)
न्यायिक सदस्य/ Judicial Member

Dated : 26.11.2019

“आर.के.”

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

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. आयकर आयुक्त (अपील)/ The CIT(A)
5. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
6. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,

सहायक पंजीकार/ Assistant Registrar