

**INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "B": NEW DELHI**

**BEFORE
SHRI SUDHANSHU SRIVASTAVA, JUDICIAL MEMBER
AND
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER**

ITA No.2918/Del/2017

Dilbagh Rai Chawla Raj Kumar & Associates, CAs L-7 A (LGF), South Extn. Part-2, New Delhi – 110 049 PAN AAWPR6716J	Vs.	ACIT Central Circle-19 New Delhi.
(Appellant)		(Respondent)

Asstt. Year: 2006-07

Assessee by:	Shri Raj Kumar, CA
Department by :	Shri Rajesh Kumar Gupta, CIT DR
Date of Hearing	30/10/2019
Date of pronouncement	27/01/2020

ORDER

PER SUDHANSHU SRIVASTAVA, JM:

This appeal is preferred by the assessee against order dated 22.3.2017 passed by the Ld. Commissioner of Income Tax (Appeals) – 30, New Delhi {CIT(A)} for assessment year 2006-07 wherein the Ld. CIT (A) has upheld the imposition of penalty of Rs. 12,74,889/- imposed u/s 271(1)(c) of the Act.

2.0 At the outset, the Ld. Authorised Representative submitted that the assessee's appeal in the quantum proceedings has been allowed vide order dated 8.8.2017 in ITA No. 257/Del/2013. A copy of the said order was placed on record and it was submitted that in view of quantum addition having been deleted, the resultant penalty would not survive.

3.0 The Ld. CIT (DR) fairly accepted that the quantum had been deleted by the ITAT and, therefore, penalty would not survive.

4.0 Having heard both the parties and after having perused the order of the Tribunal, we agree with the contention of the Ld. AR that the impugned penalty does not survive as the quantum addition has been deleted by the order of the ITAT in ITAT No.275/Del/2013 vide order dated 8.8.2017. The order of the Ld. CIT (A) is set aside and penalty is deleted.

5.0 In the final result the appeal of the assessee stands allowed.

Order pronounced in the open court on 27th January, 2020

Sd/-

**(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER**

Sd/-

**(SUDHANSHU SRIVASTAVA)
JUDICIAL MEMBER**

Dated: 27/01/2020

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1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

ASSISTANT REGISTRAR
ITAT, New Delhi