

IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCH "A-SMC", HYDERABAD

BEFORE SHRI A. MOHAN ALANKAMONY,
ACCOUNTANT MEMBER

	ITA No.2123/Hyd/2017		
	Assessment Year:2011-12		
Amrutapalli Koteswara Rao, Kothagudem-507101. PAN: AAWPA 6319 G	Vs.	Addl. CIT, Khammam Range, Khammam.	
(Appellant)		(Respondent)	
Assessee by:	Sri A. Kiran Manohar		
Revenue by:	Sri Amisha S. Gupt, DR		
Date of hearing:	21/01/2020		
Date of pronouncement:	20/02/2020		

ORDER

This appeal is filed by the assessee against the order of the Ld. CIT(A)-7, Hyderabad in appal No.127/CIT(A)-7/2015-16, dated 01/09/2017 passed U/s. 271D r.w.s 250(6) of the Act for the A.Y. 2011-12 of the Act.

2. The assessee has raised the following grounds in his appeal:

- “1. The order of the Ld. CIT(A) is erroneous both on facts and in law.
2. The Ld. CIT(A) erred in confirming the action of the Addl. CIT in levying penalty U/s. 271D of the Act of Rs. 6,10,000/-.
3. The Ld. CIT(A) ought to have accepted the explanations submitted and held that penalty is not leviable.
4. Any other ground that may be urged at the time of hearing.”

3. At the outset, the Ld. AR submitted before us that one more opportunity may be provided to the assessee in order to submit the reasons for accepting loan by way of cash which may result in deletion of the penalty levied U/s. 269SS and 271D of the Act. It was therefore pleaded that the matter may be remitted back to the file of the ld. AO for fresh consideration. The Ld. DR strongly objected to the submissions of the Ld. AR.

3. I have heard the rival submissions and carefully perused the materials on record. Though we do not find much merit in the submission of the ld. AR as he has not furnished any convincing reasons before us as to why the provisions of section 271D of the Act would not be attracted, considering the plight of the assessee and the penal nature of the demand, in the interest of justice, I hereby remit the matter back to the file of Ld. AO for fresh consideration.

4. In the result, appeal of the assessee is allowed for statistical purposes.

Pronounced in the open Court on 20TH February, 2020.

Sd/-
(A. MOHAN ALANKAMONY)
ACCOUNTANT MEMBER

Hyderabad, Dated:20TH February, 2020.

OKK

Copy to:-

- 1) Amrutapalli Koteswara Rao, S/o. Sri Gopala Rao, Pop. Madhu agencies, D.No.6-1-67, MG Road, Kothagudem Dist – 507 101.
- 2) Additional Commissioner of Income Tax, Khammam Range, Khammam, Bhadradi Kothagudem Dist – 507 101.
- 3) The CIT(A)-7, Hyderabad
- 4) The Pr. CIT-7, Hyderabad
- 5) The DR, ITAT, Hyderabad
- 6) Guard File