

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH "A" NEW DELHI**

**BEFORE SHRI AMIT SHUKLA, JUDICIAL MEMBER
&
Dr. B.R.R. KUMAR, ACCOUNTANT MEMBER**

ITA. No.6329/DEL/2017
Assessment Years 2010-11

JCIT, Special Range-1, New Delhi.	v.	Airport Authority of India, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi.
TAN/PAN: AAACA6412D (Appellant)		(Respondent)

Appellant by:	Shri Rajesh Kumar, Sr.D.R.		
Respondent by:	Mrs. Geeta Pandey		
Date of hearing:	20	02	2020
Date of pronouncement:	25	02	2020

ORDER

PER AMIT SHUKLA, J.M.:

The aforesaid appeal has been filed by the Revenue against the impugned order dated 16.08.2017 passed by Ld. CIT(A), New Delhi in relation to penalty proceedings u/s.271(1)(c) for the Assessment Year 2010-11. In the grounds of appeal, the Revenue has challenged the levy of penalty of Rs.41,41,00,000/- u/s. 271(1)(c) on account of following disallowances:-

- (i) Disallowance u/s.14A Rs.4,90,88,000/-
- (ii) Addition on account of reversal of interest on loan portion Rs.167,61,00,000/-
- (iii) Addition on account of undisclosed interest received on refund from the Income Tax Department Rs.15,64,06,238/-.

2. Ld. CIT(A) has deleted the penalty holding that assessee has made disclosures of all related facts of the interest provision made in 1991 and also disclosed all the facts of interest received from Income Tax Department for Assessment Year 1997-98 to 2000-01 in the appropriation account prepared during the year, therefore, penalty is not sustainable.
3. However, ld. Authorized Representative before us has stated that in the quantum proceedings, the disallowances /additions made by the Assessing Officer stands deleted from the stage of Ld. CIT(A) and also from the stage of ITAT. The copy of quantum orders of Ld. CIT (A) and Tribunal have been filed before us.
4. Ld. DR admitted that all the issues in the quantum stands deleted.
5. On perusal of the quantum order passed by the Tribunal in **ITA No.4281/Del/2014**, we find that all these additions/ disallowances have been deleted. When addition itself has been deleted, then no penalty is leviable on such addition. Accordingly, the penalty levied by the Assessing Officer is deleted.
6. In the result, the appeal of the assessee is allowed.

Order pronounced in the open Court on 25th February, 2020.

Sd/-
[Dr. B.R.R. KUMAR]
ACCOUNTANT MEMBER

Sd/-
[AMIT SHUKLA]
JUDICIAL MEMBER

DATED: 25th February, 2020

PKK: