

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'G' NEW DELHI**

**BEFORE SHRI R. K. PANDA, ACCOUNTANT MEMBER
AND
MS SUCHITRA KAMBLE, JUDICIAL MEMBER**

ITA No. 4804/DEL/2019 (A.Y 2014-15)

(THROUGH VIDEO CONFERENCING)

Crosslay Remedies Ltd. A-14, Pushpanjali, Vikas Marg Extension New Delhi AACCC4239Q (APPELLANT)	Vs	DCIT Circle-6(2) C. R. Building, I. P. Estate, New Delhi (RESPONDENT)
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Appellant by	Sh. Atul Ninawat, CA
Respondent by	Sh. Vipul Kashyap, Sr. DR

Date of Hearing	18.11.2020
Date of Pronouncement	25.11.2020

ORDER

PER SUCHITRA KAMBLE, JM

This appeal is filed by the assessee against the order dated 19/3/2019 passed by CIT(A)-2, New Delhi for Assessment Year 2014-15.

2. The grounds of appeal are as under:-

“1. The order passed by the Learned Commissioner of Income Tax (Appeals) [“Ld. CIT(A)”] u/s 250 of the Income Tax Act, 1961 (“the Act”), confirming the penalty of INR 19,21,920/-levied by the Learned Assessing Officer (“Ld. AO”) u/s 271(l)(c) of the Act is bad in law.

2. The Ld. CIT(A) has erred in law by affirming the ex-parte order passed by Ld. AO without providing sufficient opportunity of being heard and by passing the order in haste, which is arbitrary and in violation of the principals of natural justice

3. *The Ld. CIT (A) has erred in law as well as facts of the case in confirming the order passed by the Ld. AO u/s 271(l)(c) of the Act on the basis of notice issued without application of mind, without even mentioning whether penalty is proposed for "concealing particulars of income" or furnishing inaccurate particulars of income'*

4. *The Ld. CIT (A) has erred in law as well as facts in confirming the order passed by the Ld. AO imposing the penalty for furnishing inaccurate particulars of Income without appreciating the fact that appellant had fully and truly disclosed all material facts relating to its claim*

5. *The Ld. CIT(A) has erred in law as well as facts of the case in confirming the order passed by Ld. AO without appreciating that the penalty under section 271(l)(c) cannot be levied on additions made in the assessment order on debatable/vexed legal issues.*

6. *The Ld. CIT (A) has erred in law as well as facts of the case in confirming the order passed by the Ld. AO imposing the penalty for furnishing inaccurate particulars of income as per Explanation 1 of section 271(l)(c) of the Act, without appreciating that Explanation 1 of section 271(l)(c) of the Act is applicable when particulars of income are concealed*

7. *All the above grounds are independent and without prejudice to each other.*

3. The Ld. AR vide letter dated 17th November, 2020 received through email stated that the assessee has opted to settle the dispute relating to the tax arrears for the assessment year under consideration under "The Direct Tax Vivad Se Vishwas Scheme", 2020. Form No. 1 and 2 filed with the income tax department was also attached to the said letter. Therefore, the Ld. AR submitted that the matter may be adjourned.

4. We have seen the letter dated 17.11.2020 along with Form 1 and 2 filed with income tax department. Considering the aforesaid situation, the present appeal is dismissed. However, this dismissal of appeal is subject to a caveat

that in case the dispute relating to tax arrears for the present assessment year is not ultimately resolved in terms of the aforesaid Scheme, the assessee shall be at liberty to approach the Tribunal for reinstatement of the appeal and the Tribunal shall consider such application as per law. The Revenue has no objection with regard to the aforesaid caveat.

5. In result, the appeal of the assessee is dismissed.

Order pronounced in the Open Court on this 25th Day of November, 2020.

Sd/-
(R. K. PANDA)
ACCOUNTANT MEMBER

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Dated: 25/11/2020
R. Naheed

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI

