

**IN THE INCOME TAX APPELLATE TRIBUNAL
HYDERABAD BENCHES "B" : HYDERABAD
(THROUGH VIDEO CONFERENCE)**

**BEFORE SHRI S.S.GODARA, JUDICIAL MEMBER
AND
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

ITA No.	A.Y.	Appellant	Respondent
1330/Hyd/18	2008-09	Rithwik Projects Private Limited, Hyderabad [PAN: AABCR5748L]	Asst. Commissioner of Income Tax, TDS Circle-2(1), Hyderabad
1331/Hyd/18	2011-12		
1332/Hyd/18	2013-14		
1333/Hyd/18	2014-15		
1334/Hyd/18	2015-16		
1335/Hyd/18	2016-17		

For Assessee : Shri P.Murali Mohana Rao, AR
For Revenue : Shri Rohit Mujumdar, DR

Date of Hearing : 05-01-2021

Date of Pronouncement : 11-01-2021

ORDER

PER BENCH :

These six assessee's appeals for AYs.2008-09, 2011-12, 2013-14, 2014-15, 2015-16 & 2016-17 are directed against the CIT(A)-8, Hyderabad's orders all dated 16-03-2018 passed in case Nos.10209/CIT(A)-8/Hyd/2017-18, 10210/CIT(A)-8/Hyd/2017-18,10211/CIT(A)-8/Hyd/2017-18, 10164/CIT(A)-8/Hyd/2017-18,10389/CIT(A)-8/Hyd/2017-8&10205/CIT(A)-8/Hyd/2017-18 involving proceedings u/s.221(1) of the Income Tax Act, 1961 [in short, 'the Act']

Heard both the parties. Case files perused.

2. The assessee's sole substantive grievance raised in all these six appeals seeks to reverse both the lower authorities' action imposing u/s.221(1) penalty (i.e.) Rs.8501/-,

Rs.1,13,277/-, Rs.12,88,947/-, Rs.10,06,998/-, Rs.7,39,032/- and Rs.4,06,599/-; assessment year wise, respectively.

3. Learned counsel's sole argument during the course of hearing is that the impugned penalties are based on 'TRACES' processing and the corresponding demands no longer survive as per assessee's reconciliation filed on record dt.31-12-2020. The Revenue's case on the other hand is that the instant issue to this effect requires Assessing Officer's factual verification. We deem it appropriate in these peculiar facts to restore the assessee's identical sole substantive grievance back to the Assessing Officer for his afresh factual verification as per law within three effective opportunities of hearing.

4. These assessee's appeals are treated as allowed for statistical purposes in above terms.

Order pronounced in the open court on 11th January, 2021

Sd/-
(LAXMI PRASAD SAHU)
ACCOUNTANT MEMBER

Sd/-
(S.S.GODARA)
JUDICIAL MEMBER

Hyderabad, Dated: 11-01-2021

Copy to :

*1.Rithwik Projects Private Limited, C/o. P.Murali & Co.,
Chartered Accountants, 6-3-655/2/3,1st Floor, Somajiguda,
Hyderabad.*

*2.The Asst.Commissioner of Income Tax, TDS Circle-2(1),
Hyderabad.*

3.CIT(Appeals)-8, Hyderabad.

4.CIT(TDS)-Hyderabad.

5.D.R. ITAT, Hyderabad.

6.Guard File.