

**IN THE INCOME TAX APPELLATE TRIBUNAL,
MUMBAI BENCH "G", MUMBAI**

**BEFORE SHRI RAJESH KUMAR, ACCOUNTANT MEMBER AND
SHRI RAM LAL NEGI, JUDICIAL MEMBER**

**ITA No.1968/M/2019
Assessment Year: 2004-05**

ACIT Circle -16(1), Room No.439, 4 th Floor, Aayakar Bhavan, M.K. Road, Mumbai - 400020	Vs.	M/s. Siti Cable Network Ltd. (Now merged with Dish TV India Ltd.) Rahejas 4 th Floor Corners of 135 Continental Bldg., Dr. Annie Besant Road, Worli, Mumbai – 400 018 PAN: AABCS 8443B
(Appellant)		(Respondent)

Present for:

Assessee by : Shri T.S. Khalsa, A.R.
Revenue by : Shri J.S. Bhansali, D.R.

Date of Hearing : 23.11.2020
Date of Pronouncement : 28.12.2020

ORDER

Per Rajesh Kumar, Accountant Member:

The present appeal has been preferred by the Revenue against the order dated 29.01.2019 of the Commissioner of Income Tax (Appeals) [hereinafter referred to as the CIT(A)] relevant to assessment year 2004-05.

2. The only issue raised in the appeal is against the deletion of penalty of Rs.2,63,05,067/- by Ld. CIT(A) as levied by the AO under section 271(1)(c) of the Act on the additions/disallowance made on account of loan and advances written off and band width charges.

3. At the outset, the Ld. Counsel of the assessee pointed out that the additions/disallowances on which this penalty was levied by the AO has been deleted by the Tribunal in quantum appeal in ITA No.6961/M/2014 vide order dated 26.09.2018. The Ld. A.R., therefore, submitted that the appeal of the Revenue may kindly be dismissed as the very basis of the penalty stands demolished and deleted.

4. The Ld. D.R., on the other hand, fairly agreed to the submissions made by the Ld. A.R.

5. Having heard the rival parties and perusing the material on record, especially the order of the co-ordinate bench of the Tribunal in ITA No.6961/M/2014 order dated 26.09.2018 in assessee's own case, we find that the quantum has been deleted and therefore the penalty proceedings have no legs to stand. Accordingly, we are dismissing the appeal of the Revenue.

6. In the result, the appeal of the Revenue is dismissed.

Order pronounced in the open court on 28.12.2020.

Sd/-
(Ram Lal Negi)
JUDICIAL MEMBER

Sd/-
(Rajesh Kumar)
ACCOUNTANT MEMBER

Mumbai, Dated: 28.12.2020.

* Kishore, Sr. P.S.

Copy to: The Appellant
The Respondent
The CIT, Concerned, Mumbai
The CIT (A) Concerned, Mumbai
The DR Concerned Bench

//True Copy//

By Order

Dy/Asstt. Registrar, ITAT, Mumbai.