

IN THE INCOME TAX APPELLATE TRIBUNAL
[DELHI BENCH: 'G' NEW DELHI]
BEFORE MS. SUCHITRA KAMBLE, JUDICIAL MEMBER
A N D
SHRI PRASHANT MAHARISHI, ACCOUNTANT MEMBER
I.T.As. 6162 & 6163/Del/2017 (A.Ys. 1997-98 & 1998-99)
(THROUGH VIDEO CONFERENCING)

M/s.Sardar Exhibitors Pvt.Ltd., 1147 – Chandni Chowk, Delhi – 110 006. PAN : AABCS1835K (APPELLANT)	Vs.	ACIT, Circle : 22 (1), New Delhi. (RESPONDENT)
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Assessee by :	Mr. G. S. Kohli, C. A.;
Department by :	Shri Prakash Dubey, Sr. D.R.;

Date of Hearing	28.06.2021
Date of Pronouncement	28.06.2021

ORDER

PER PRASHANT MAHARISHI, AM :

These are two appeals filed by M/s. Sardar Exhibitors Pvt. Ltd., New Delhi, for Assessment Years 1997-98 and 1998-99 against the combined order of the Id. Commissioner of Income Tax (Appeals)-31, New Delhi, dated 31.07.2017 wherein the appeals filed by the assessee against the order of penalty under Section 271(1)(c) of the Income Tax Act, 1961 (the Act) passed by the ACIT, Circle 7(1), New Delhi, dated 11.03.2015 wherein penalty under Section 271(1)(c) of the Act was levied of Rs.2,83,800/- and Rs.2,31,000/- for respective years was confirmed. Therefore, assessee is aggrieved by confirmation of these two penalty orders by the Id. CIT (Appeals).

2. All the grounds raised in the grounds of appeal revolves around the levy of the penalty only.

3. For assessment year 1997-98 the addition of Rs.6,60,000/- related to deduction claimed under the head income from house property under Section 24 of the Act, which was confirmed by the Id. CIT (Appeals) and, therefore, penalty also get concluded on these additions for both the years.

4. At the time of hearing the assessee submitted a letter wherein it was stated that the main addition confirmed by the Id. CIT (Appeals) was challenged before the ITAT for both the years in ITA. 272 & 297 (Del) of 2014. The ITAT vide order dated 6.10.2017 reversed the order of the lower authorities and deleted the disallowance of Rs.6,60,000/- under the head income from house property. Therefore, the penalty levied on the addition itself is deleted and penalty order does not have any legs to stand.

5. The Id. DR confirmed the same.

6. We have carefully considered the rival contentions and find that the penalties are levied with respect to the deduction claimed by the assessee of Rs.6,60,000/- under the head income from house property. The co-ordinate bench vide above decision has deleted the addition itself and, therefore, we fully agree that now the penalty orders for both the years do not have any legs to stand. Accordingly, we reverse the orders of the lower authorities and direct the Assessing Officer to delete the penalty levied for both the years. Accordingly, appeals of the assessee for both these years are allowed.

Order pronounced in the open court on : **28/06/2021**

Sd/-
(SUCHITRA KAMBLE)
JUDICIAL MEMBER

Sd/-
(PRASHANT MAHARISHI)
ACCOUNTANT MEMBER

Dated : 28/06/2021.

MEHTA

Copy forwarded to:

1. Appellant

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

ASSISTANT REGISTRAR
ITAT NEW DELHI

Date of dictation	28.06.2021
Date on which the typed draft is placed before the dictating Member	28.06.2021
Date on which the typed draft is placed before the Other Member	28.06.2021
Date on which the approved draft comes to the Sr. PS/PS	28.06.2021
Date on which the fair order is placed before the Dictating Member for pronouncement	28.06.2021
Date on which the fair order comes back to the Sr. PS/PS	28.06.2021
Date on which the final order is uploaded on the website of ITAT	28.06.2021
Date on which the file goes to the Bench Clerk	28.06.2021
Date on which the file goes to the Head Clerk	