

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'E' NEW DELHI**

**BEFORE SHRI O.P. KANT, ACCOUNTANT MEMBER
AND
SHRI K. NARASIMHA CHARY, JUDICIAL MEMBER**

**ITA No. 3330/Del/2018
Assessment Year: 2010-11**

MGCPL-VCBPL (Joint Venture), vs. ACIT, Circle 62(1)
Mittal Consul & Co., CAs, New Delhi
1626/33, 2nd Floor, Naiwala,
Karol Bagh, New Delhi

PAN : AAAAM8822B
(Appellant)

(Respondent)

Appellant by : Sh. P.C. Yadav, Advocate
Respondent by: Sh. Vipul Kashyap, Sr. DR

Date of hearing: 09/08/2021
Date of order : 09/08/2021

ORDER

PER K. NARASIMHA CHARY, J.M.

Aggrieved by the order dated 14/03/2018 passed by the Commissioner of Income Tax (Appeals)-20, New Delhi ("Ld. CIT(A)") for the assessment year 2010-11, MGCPL-VCBPL (Joint Venture)("the assessee"), preferred this appeal, challenging the sustenance of penalty imposed u/s. 271(1)(c) of the Income-tax Act, 1961.

2. At the outset, learned AR submitted that by order dated 01.04.2019 in ITA No. 2577/Del/2015, a co-ordinate Bench of this Tribunal allowed the quantum appeal of the assessee and directed the

Assessing Officer to delete the addition, on account of which the impugned penalty in this appeal was levied. Learned DR does not dispute this fact.

3. Since the quantum appeal of the assessee has been allowed by Co-ordinate Bench of this Tribunal, deleting the addition, on the basis of which the impugned penalty has been imposed, the very basis of imposition of such penalty stands collapsed. Accordingly, the appeal of the assessee has to be allowed.

4. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on this the 9th day of August, 2021 just after conclusion of hearing on virtual mode.

Sd/-

(O.P. KANT)
ACCOUNTANT MEMBER
Dated: 09/08/2021

Sd/-

(K. NARSIMHA CHARY)
JUDICIAL MEMBER