

IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "F" NEW DELHI  
(Through Video Conferencing)

BEFORE SHRI N.K. BILLAIYA, ACCOUNTANT MEMBER  
AND MS. MADHUMITA ROY, JUDICIAL MEMBER

आ.अ.सं./I.T.A No.4463/Del/2018  
निर्धारणवर्ष/Assessment Year:2006-07

Randeep Investment P. Ltd. C/o Sandeep Sapra, Advocates, C-763, New Friends Colony, New Delhi.	बनाम Vs.	ITO Ward 21(1) New Deli.
PAN No. AACCR0988D		
अपीलार्थी Appellant		प्रत्यर्थी/Respondent

निर्धारितकीओरसे /Assessee by	None
राजस्वकीओरसे /Revenue by	Smt. Sushma Singh, CIT DR

सुनवाईकीतारीख/ Date of hearing:	11.08.2021
उद्घोषणाकीतारीख/Pronouncement on	11.08.2021

आदेश /ORDER

PER MADHUMITA ROY, J.M.

1. The instant appeal filed by the assessee is directed against the order dated 25.04.2018 passed by the Ld. CIT(A)-7, New Delhi arising out of the order dated 20.03.2017 passed by the Ld. ITO, Ward 21(1), New Delhi u/s 271(1)(c) of the Income Tax Act, 1961 (hereinafter referred to as "the Act") for AY 2006-07, whereby and

whereunder the penalty to the tune of Rs. 9,51,900/- as levied by the Ld. Assessing Officer against the assessee has been confirmed.

2. At the time of hearing of the instant appeal, the Ld. Counsel appearing for the assessee submitted before us that the quantum appeal preferred by the Revenue before the Ld. Tribunal against the order passed by the Ld. CIT(A) has been dismissed by and under the order dated 26.03.2019 in ITA No. 4365/Del/2015 for AY 2006-07. The cross appeal preferred by the appellant being ITA No. 4000/Del/2015 was also allowed by the said common order dated 26.03.2019 passed by the Ld. Tribunal. In that view of the matter, the penalty arising out of the quantum order has become infructuous. A copy of the said order dated 26.03.2019 has been placed on record before us by the appellant.
3. Heard the parties perused the records including the order dated 26.03.2019 passed by the Co-ordinate Bench in ITA No. 4365/Del/2015 and ITA No. 4000/Del/2015 for AY 2006-07 which supports the contention made by the Ld. AR.

4. Thus, having regard to the facts and circumstances of the case, we find the penalty appeal has become infructuous and hence, dismissed.
5. In the result, the appeal filed by the assessee is allowed.

Order pronounced in the open court on 11/08/2021.

**Sd/-  
(N.K. BILLAIYA)  
ACCOUNTANT MEMBER**

**Sd/-  
(MADHUMITA ROY)  
JUDICIAL MEMBER**

Dated: 11<sup>th</sup> August, 2021  
*\*Kavita Arora, Sr. P.S.*

Copy of order sent to- Assessee/AO/Pr. CIT/ CIT (A)/ ITAT (DR)/Guard file of ITAT.

**By order  
Assistant Registrar, ITAT: Delhi Benches-Delhi**