

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'G', NEW DELHI**

Before Sh. Amit Shukla, Judicial Member

Dr. B. R. R. Kumar, Accountant Member

(Through Video Conferencing)

ITA No. 5475/Del/2018 : Asstt. Year : 2009-10

Umesh Chopra, 8, Sehgal Colony, Civil Line, Delhi-110054	Vs	Income Tax Officer, Ward-35(4), New Delhi
(APPELLANT)		(RESPONDENT)
PAN No. ACXPC6508L		

Assessee by : Sh. K. R. Manjani, Adv.

Revenue by : Sh. Ratan Singh, Sr. DR

Date of Hearing: 18.10.2021

Date of Pronouncement: 18 .01.2022

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the assessee against the order of the Id. CIT(A)-12, New Delhi, dated 22.06.2018.

2. This is the second round of appeal against the penalty levied u/s 271B of the Income Tax Act, 1961 of Rs.1,00,000/-. The said penalty has been levied on the assessee for not filing the audit report as per the provisions of the Income Tax Act. The AO also observed that there is another business of the assessee with turnover of more than Rs.40,00,000/- for which the audit report has not been filed. The Id. CIT(A) has deleted the addition of Rs.1,00,000/- levied by Assessing Officer and has confirmed the penalty of Rs.20,000/-

3. We find from the record, the penalty of Rs.20,000/- has been levied along with Rs.1,00,000/- as there was no rubber stamp of the auditor of the copy filed before the Assessing Officer. We find that the other business of the assessee had a turnover of less than Rs.40,00,000/- on account of which no statutory audit was required to be conducted. In the result, the appeal of the assessee is allowed.

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

Order Pronounced in the Open Court on 18/01/2022.

Sd/-

(Amit Shukla)
Judicial Member

Dated: 18/01/2022

Subodh Kumar, Sr. PS

Copy forwarded to:

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

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

ASSISTANT REGISTRAR