

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

Before Sh. Amit Shukla, Judicial Member

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

ITA No. 2054/Del/2018 : Asstt. Year : 2011-12

ITA No. 2053/Del/2018 : Asstt. Year : 2012-13

DCIT, Circle-II, Faridabad	Vs	NHPC Ltd., NHPC Office Complex, 4 th Floor, Finance Division, Sector-33, Faridabad-121003
(APPELLANT)		(RESPONDENT)
PAN No. AAACN0149C		

Assessee by : Sh. Ved Jain, Adv.

Revenue by : Sh. M. N. Shete, Sr. DR

Date of Hearing: 23.11.2021

Date of Pronouncement: 15.02.2022

ORDER

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

The present appeals have been filed by the Revenue against the orders of the Id. CIT(A), Faridabad dated 10.01.2018.

2. Since, the issues involved in both the appeals are identical, they were heard together and being adjudicated by a common order.

3. In ITA No. 2054/Del/2018, following grounds have been raised by the Revenue:

"1. Whether on the facts and the circumstances of the case and law, the Id. CIT(A) was right in deleting the penalty of Rs.1,49,49,530/- u/s 271(1)(c) of the Income Tax Act, 1961 imposed by the Assessing

Officer against inaccurate particulars filed by the assessee i.e. wrongly claimed deduction u/s 80IA of Rs.2,99,54,875/- and Rs.1,50,50,111/- on account of income tax born by the assessee on perquisites of employee in respect of recommendation provided by its employees."

4. We have gone through the order of the Co-ordinate Bench of ITAT for the A.Y. 2011-12 in ITA No. 466/Del/2016 and 297/Del/2016 order dated 26.07.2019 wherein the appeal of the revenue have been dismissed and the appeal of the assessee has been allowed resulting in deletion of all the additions made, making it imperative to delete the penalty levied u/s 271(1)(c) of the Income Tax Act, 1961 that were based on the additions made to the returned income.

5. In the result, both the appeals of the Revenue are dismissed.

Order Pronounced in the Open Court on 15/02/2022.

Sd/-

(Amit Shukla)
Judicial Member

Dated: 15/02/2022

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