

IN THE INCOME TAX APPELLATE TRIBUNAL
[DELHI BENCH "E" NEW DELHI]

BEFORE SHRI G. S. PANNU, PRESIDENT
A N D
SHRI CHALLA NAGENDRA PRASAD, JUDICIAL MEMBER

आ.अ.सं./I.T.A No. 1089/Del/2018
निर्धारणवर्ष/Assessment Year: 2006-07

Shri Manish Periwal, C - 165, Defence Colony, New Delhi - 110 049.	बनाम Vs.	ACIT, Central Circle : 2, New Delhi.
PAN : AFWPP8883K		
अपीलार्थी / Appellant		प्रत्यर्थी / Respondent

निर्धारितीकीओरसे / Assessee by :	Ms. Shweta Bansal, C.A.;
राजस्वकीओरसे / Department by :	Shri Shashi Bhushan Shukla, [CIT] - D.R.;

सुनवाईकीतारीख/ Date of hearing :	07/06/2022
उद्घोषणाकीतारीख/Pronouncement on :	07/06/2022

आदेश / ORDER

PER C. N. PRASAD, J. M. :

1. This appeal is filed by the assessee against the order of the Id. Commissioner of Income Tax (Appeals)-23 [hereinafter referred to as CIT (Appeals)] New Delhi, dated 14.12.2017 in sustaining the penalty levied under Section 271(1)(c) of the Income Tax Act, 1961 (the Act) for assessment year 2006-07.

2. The Id. Counsel for the assessee, at the outset, submits that the quantum addition / disallowance made while completing the assessment under Section 143(3) read with Section 153A of the Act has been deleted by the Tribunal in ITA. No. 5294/Del/2016 dated 18.05.2022. Copy of the order is placed on record. The Id. Counsel for the assessee, therefore, submits that since the quantum addition / disallowance made while completing the assessment has been deleted by the Tribunal, the penalty order passed by the Assessing Officer cannot survive.

3. We have perused the order of the Tribunal in ITA. No. 5294/Del/2016 dated 18.05.2022 for the assessment year 2006-07 and find that the Tribunal held that no addition is called for in the absence of any incriminating material found and seized during the course of search and seizure action. Since the Tribunal deleted the addition made in the assessment order passed under Section 143(3) read with Section 153A of the Act which was the basis for imposition of penalty under Section 271(1)(c) of the Act the penalty order will not survive. Accordingly, the penalty order passed by the Assessing Officer imposing penalty under Section 271(1)(c) of the Act for the assessment year 2006-07 is set aside and the penalty is deleted.

5. In the result, appeal of the Revenue is dismissed.

Order pronounced in the open court on : 07/06/2022.

Sd/-
(G. S. PANNU)
PRESIDENT

Sd/-
(C. N. PRASAD)
JUDICIAL MEMBER

Dated : 07/06/2022.

MEHTA

Copy forwarded to :

1. Appellant;
2. Respondent;

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

ASSISTANT REGISTRAR
ITAT, New Delhi.

Date of dictation	07.06.2022
Date on which the typed draft is placed before the dictating member	07.06.2022
Date on which the typed draft is placed before the other member	07.06.2022
Date on which the approved draft comes to the Sr. PS/ PS	07.06.2022
Date on which the fair order is placed before the dictating member for pronouncement	07.06.2022
Date on which the fair order comes back to the Sr. PS/ PS	07.06.2022
Date on which the final order is uploaded on the website of ITAT	07.06.2022
Date on which the file goes to the Bench Clerk	07.06.2022
Date on which the file goes to the Head Clerk	
The date on which the file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the order	