

IN THE INCOME TAX APPELLATE TRIBUNAL "B"
BENCH KOLKATA

Before Shri Sanjay Garg, Judicial Member and Shri Girish Agrawal, Accountant Member

I.T.A. No.225/Kol/2021
Assessment Year: 2015-16

ACIT, Central Circle-3(3), Kolkata..... Appellant
vs.

M/s New Horizon (P) Ltd..... Respondent
41, Shakespeare Sarani,
Kolkata-700017
[PAN:AAACN8505C]

Appearances by:

Shri N.S. Saini, Advocate and Priyanka Salarpuria, FCA and Sonu Kumar Agarwal, FCA,
appeared on behalf of the appellant.

Smt. Ranu Biswas, Addl CIT, appeared on behalf of the Respondent.

Date of concluding the hearing : June 9, 2022

Date of pronouncing the order : June 9, 2022

ORDER

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the Revenue against the order dated 16.03.2021 of the Commissioner of Income Tax(Appeals)-21, Kolkata [hereinafter referred to as 'CIT(A)']. The Revenue is aggrieved by the action of the CIT(A) in deleting the penalty levied by the Assessing Officer u/s 271AAB of the Income Tax Act (hereinafter referred to as the 'Act').

2. At the outset, the Id. Counsel for the assessee has invited our attention to the order of the Tribunal dated 28.08.2019 passed in ITA No.2127/Kol/2017 to submit that the quantum additions in respect of which the impugned penalty was levied by the Assessing Officer, stand deleted vide the aforesaid order of the Tribunal. That the Id. CIT(A) taking note of the above fact, has deleted the impugned penalty. The Id. AR has also not disputed the aforesaid fact. Since, the quantum addition stood deleted by the order of the Tribunal dated 28.08.2019, therefore, the impugned penalty did not have any legs to stand and the same has rightly been deleted by the Id. CIT(A). There is no merit in the appeal of the Revenue and the same is accordingly dismissed.

3. In the result, the appeal of the Revenue stands dismissed.

Kolkata, the 9th June, 2022.

Sd/-
[Girish Agrawal]
Accountant Member

Sd/-
[Sanjay Garg]
Judicial Member

Dated: 09.06.2022.

RS

Copy of the order forwarded to:

1. ACIT, Central Circle-3(3), Kolkata
2. M/s New Horizon (P) Ltd
3. CIT(A)-
4. CIT- ,
5. CIT(DR),

//True copy//

By order

Assistant Registrar, Kolkata Benches