

आयकर अपीलिय अधिकरण "बी" न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE

**BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
 AND
 SHRI S.S. VISWANETHRA RAVI, JUDICIAL MEMBER**

आयकर अपील सं. / ITA No.1235/PUN/2018
निर्धारण वर्ष / Assessment Year : 2016-17

Pranav Marathe Jewellers,
 1204/24, Rama Ratna Bldg.,
 Shivajinagar, Pune-411005

PAN : AAGCP4362H

.....अपीलार्थी / Appellant

बनाम / V/s.

Asst. Commissioner of Income Tax,
 Circle – 4, Pune

.....प्रत्यर्थी / Respondent

Assessee by : N O N E
 Revenue by : Shri M.G. Jasnani

सुनवाई की तारीख / Date of Hearing : 29-04-2022
 घोषणा की तारीख / Date of Pronouncement : 19-07-2022

आदेश / ORDER

PER S.S. VISWANETHRA RAVI, JM :

This appeal by the assessee against the order dated 09-05-2018 passed by the Commissioner of Income Tax (Appeals)-3, Pune ['CIT(A)'] for assessment year 2016-17.

2. We find no representation on behalf of the assessee nor any application filed seeking adjournment. Thus, the assessee called absent and set ex-parte. Therefore, we proceed to dispose of the appeal by hearing the ld. DR and perusing the material available on record.

3. The only issue is to be considered is as to whether the CIT(A) is justified in confirming the levy of penalty of Rs.30,000/- u/s. 272B of the Act in the facts and circumstances of the case.

4. Heard ld. DR, Shri M.G. Jasnani and perused the material available on record. We note that there was a search action u/s. 132 of the Act conducted on assessee on 07-12-2016. During the course of search it was found that the assessee sold jewellery exceeding Rs.2,00,000/- in cash without obtaining PAN of the purchasers. According to the ld. DR that the assessee failed to comply with the mandatory provisions of section 139A(5)(c) of the Act r.w. Rule 114C of the Rules. We note that as far as provisions u/s. 139A(5)(c) r.w. Rules 114B and 114C concerned, the assessee has to verify the details of PAN and the same has to be mentioned on sales bill. It is a statutory obligation on the assessee to comply under the said provisions in obtaining PAN as well as its verification. On perusal of the impugned order there was no evidence to show that the assessee obtained PAN and verified its correctness. Therefore, we find no infirmity in the order of CIT(A) and it is justified. Thus, the grounds raised by the assessee are dismissed.

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

Order pronounced in the open court on 19th July, 2022.

Sd/-
(Inturi Rama Rao)
ACCOUNTANT MEMBER

Sd/-
(S.S. Viswanethra Ravi)
JUDICIAL MEMBER

पुणे / Pune; दिनांक / Dated : 19th July, 2022.
रवि

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-3, Pune
4. The Pr. CIT-2, Pune
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "बी" बेंच,
पुणे / DR, ITAT, "B" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

//सत्यापित प्रति// True Copy//

आदेशानुसार / BY ORDER,

वरिष्ठ निजी सचिव / Sr. Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune