

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
SH. YOGESH KUMAR US, JUDICIAL MEMBER**

ITA No.1090/Del/2018
Assessment Year: 2007-08

Manish Periwal, C-165, Defence Colony New Delhi -110049 PAN No.AFWPP8883K	Vs	ACIT Central Circle-2 New Delhi
(APPELLAN		(RESPONDENT)

Appellant	Ms. Shweta Bansal, CA
Respondent	Ms. Rinku Singh, CIT DR

Date of hearing:	26/07/2022
Date of Pronouncement:	26/07/2022

ORDER

PER N.K. BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the CIT(A)-23, New Delhi dated 14.12.2017 pertaining to A.Y.2007-08.

2. The sum and substance of the grievance of the assessee is that the CIT(A) erred in confirming the levy of penalty by the AO u/s. 271 (1) (c) of the Act.

3. The roots for the levy of penalty lie in the assessment order

dated 24.02.2015 framed u/s. 153A r.w.s. 143 (3) of the Act in which addition of Rs.24,67,158/- was made to the returned income of the assessee.

4. We find that the quarrel travelled up to the Tribunal and the impugned addition of Rs.24,67, 158/- was deleted by the Tribunal in ITA No.5295/Del/2016 by order dated 18.05.2022.

5. Since the very foundation has been removed by this Tribunal by its order (supra) we do not find any merits in the levy of penalty u/s. 271 (1) (c) of the Act. We accordingly direct the AO to delete the penalty so levied. The appeal of the assessee is accordingly allowed.

6. Decision announced in the open court on 26.07.2022.

Sd/-
(YOGESH KUMAR US)
JUDICIAL MEMBER

NEHA, Sr. Private Secretary

Date:- .07.2022

Copy forwarded to:

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

Sd/-
(N. K. BILLAIYA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI