

**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.8322, 8323 & 8325/Del/2020
Assessment Year: 2008-09,2009-10 & 2013-14

Muzaffarnagar District Cooperative Bank Ltd., C/o Anil Deep And Company 41/85, Sadar Bazar, Muzaffarnagar-251001 PAN No.AAAAM4327P	Vs	ACIT Circle-1 Muzaffarnagar
(APPELLAN		(RESPONDENT)

Appellant	Sh. Ankit Gupta, Advocate
Respondent	Sh. Vivek Sharma, CIT DR

Date of hearing:	03/08/2022
Date of Pronouncement:	03/08/2022

ORDER

PER N.K. BILLAIYA, AM:

ITA No.8322/Del/2018, 8323/Del/2018 and 8325/Del/2018 are three separate appeals by the assessee preferred against the three separate orders of the CIT(A), Muzaffarnagar dated 27.09.2018 pertaining to A.Y.2008-09, 2009-10 and 2013-14.

2. At the very outset the Counsel for the assessee stated that the impugned appeals are in relation to the penalty levied by the AO u/s. 271 (1) (c) of the Act.

3. The Counsel pointed out that in so far as the quantum addition are concerned the quarrel has been settled under the DTVSVS Act, 2020 and, therefore, as per the relevant provisions of the Act no penalty should be levied u/s. 271 (1) (c) of the Act.

4. We have the benefit of the certificate issued by the designated authority in form No.5 which is an order for full and final settlement of tax arrear u/s. 5 (2) r.w.s. 6 of the DTVSVS Act, 2020. In our considered opinion where the quantum quarrel has been settled by the assessee under direct tax DTVSVS Act, 2020 no penalty should be levied u/s. 271 (1) (c) of the Act.

5. We accordingly restore the impugned appeals to the files of the AO. The AO is directed to decide the levy of penalty u/s. 271 (1) (c) of the Act in the light of the relevant provisions of the DTVSVS Act, 2020 after giving a reasonable and sufficient opportunity of being heard to the assessee.

6. With the above directions of the appeal are allowed.

7. Decision announced in the open court on 03.08.2022.

Sd/-
(YOGESH KUMAR US)
JUDICIAL MEMBER

NEHA, Sr. Private Secretary

Date:- .08.2022

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

Date of dictation	03.08.2022
Date on which the typed draft is placed before the dictating Member	03.08.2022
Date on which the typed draft is placed before the Other member	03.08.2022
Date on which the approved draft comes to the Sr.PS/PS	03.08.2022
Date on which the fair order is placed before the Dictating Member for Pronouncement	03.08.2022
Date on which the fair order comes back to the Sr. PS/ PS	05.08.2022
Date on which the final order is uploaded on the website of ITAT	05.08.2022
Date on which the file goes to the Bench Clerk	05.08.2022
Date on which file goes to the Head Clerk.	
The date on which file goes to the Assistant Registrar for signature on the order	
Date of dispatch of the Order	