

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "A", PUNE

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

आयकर अपील सं. / ITA Nos.1374 & 1375/PUN/2019
निर्धारण वर्ष / Assessment Years: 2010-11 & 2011-12

Kuvawalla Drill Equipment, Sub Plot No.2, F.P. No.6, 8, Hadapsar Indl. Area, Part-II, Arun Chamber, Tardeo Road, Ramtekadi, Hadapsar-411013. PAN : AAIFK4139Q	Vs.	ITO, Ward-14(1), Pune.
Appellant		Respondent

Assessee by : Shri Vijay Mecwan
Revenue by : Shri S. P. Walimbe

Date of hearing : 03.08.2022
Date of pronouncement : 22.08.2022

आदेश / ORDER

PER INTURI RAMA RAO, AM:

These are the appeals filed by the assessee directed against the separate orders of Id. Commissioner of Income Tax- 7, Pune [‘the CIT(A)] dated 04.06.2019 for the assessment years 2010-11 & 2011-12 respectively.

2. Since the identical facts and common issues are involved in all the above captioned two appeals, we proceed to dispose of the same by this common order.

3. For the sake of convenience and clarity, the facts relevant to the appeal in ITA No.1374/PUN/2019 for the assessment year 2010-11 are stated herein.

ITA No.1374/PUN/2019, A.Y. 2010-11 :

4. Briefly, the facts of the case are that the appellant is a partnership firm. It is engaged in the business of manufacturing in drilling equipments. The return of income for the assessment year 2010-11 was filed on 07.10.2010 declaring total income of Rs.81,67,464/- and no scrutiny assessment was made. Subsequently, on receipt of the information from the Investigation Wing of the Department that the appellant made purchase from Hawala dealers, the Income Tax Officer, HQ- 6(2), Pune ('the Assessing Officer') reopened the assessment and completed u/s 143(3) r.w.s. 147 of the Income Tax Act, 1961 ('the Act') vide

order dated 27.03.2015 after making addition on account of Hawala purchase.

Subsequently, the assessment was annulled by this Tribunal in ITA Nos.2534 & 2535/PUN/2017 for the assessment years 2010-11 and 2011-12 vide order dated 26.10.2021 by holding that the reassessment proceedings were bad in law for the reasons that the re-assessment proceedings were initiated without independent application of mind by the Assessing Officer. Thus, the assessment order came to be annulled by this Tribunal. Therefore, the question of levy of penalty u/s 271(1)(c) does not arise.

5. In the result, the appeal of the assessee in ITA No.1374/PUN/2019 for A.Y. 2010-11 stands allowed.

ITA No.1375/PUN/2019, A.Y. 2011-12 :

6. Since the facts and issues involved in all the above two appeals are identical, therefore, our decision in ITA No.1374/PUN/2019 for A.Y. 2010-11 shall apply *mutatis mutandis* to the remaining appeal of the assessee in ITA No.1375/PUN/2019 for A.Y. 2011-12 respectively. Accordingly, the appeal of the

assessee in ITA No.1375/PUN/2019 for A.Y. 2011-12 stands allowed.

7. To sum up, both the above appeals filed by the assessee stands allowed.

Order pronounced on this 22nd day of August, 2022.

Sd/-
(S. S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 22nd August, 2022.

Sujeet

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-7, Pune.
4. The Pr. CIT-6, Pune.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "A" बेंच, पुणे / DR, ITAT, "A" Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.