

**IN THE INCOME TAX APPELLATE TRIBUNAL
AMRITSAR BENCH, AMRITSAR**
**BEFORE DR. M. L. MEENA, ACCOUNTANT MEMBER
AND SH. ANIKESH BANERJEE, JUDICIAL MEMBER**

I.T.A. No. 601/Asr/2018
Assessment Year: 2010-11

Shrimati Rani,
VPO Badowal,
Near Railway Crossing
Ludhiana
[PAN: ANPPR0327P]
(Appellant)

Vs. Income Tax Officer,
Ward -2,
Phagwara.

(Respondent)

Appellant by : Sh. S. K. Mukhi, Adv

Respondent by: Sh. Manpreet Singh Duggal, Sr DR

Date of Hearing: 28.06.2022

Date of Pronouncement: 11.08.2022

ORDER

Per Anikesh Banerjee, JM:

The instant appeal is directed against the order of Ld. Commissioner of Income Tax (Appeals)-2, Jalandhar {in brevity CIT(A)} bearing appeal no. 2/10737/17-18/CIT(A)/JAL date of order 12.10.2018, order passed u/s. 250(6) of the Income Tax Act, 1961 (in brevity of the Act) for the Assessment year 2010-11. The impugned order was generated from the order of Income Tax Officer, Ward-2, Phagwara (in brevity A.O) order passed u/s.271(1)(c) of the Act, date of order 08.02.2018.

Smt. Rani,

ITA NO. 601/ASR/2018

ASSTT. YEAR 2010-11

2. Tersely we advert the fact of the case. For the year of appeal, addition was confirmed amount to Rs.6,11,000/- in the order by ld. AO passed u/s. 143(3) of the Act. On the basis of order the ld. AO passed penalty order u/s. 271(1)(c) , considering the addition of Rs.6,11,000/- as unexplained cash deposit in the bank account. The penalty was levied @100% on Tax amount to Rs.1,30,345/-. Aggrieved assessee filed an appeal before the ld. CIT(A) and the ld. CIT(A) passed order in favour of the ld. AO. Being aggrieved assessee filed an appeal before us.

3. The counsel of the assessee filed a submission and informed that the demand against the order u/s. 143(3) of the Act was vacated by the order of the ITAT,Amritsar Bench bearing **ITA no. 584/ASR/2016** pronouncement vide order dated 04.05.2022. As per the order, the addition of Rs.6,11,000/- was deleted by the order of the Bench.

3.1 Thus, the addition stands reduced to NIL against the assessee. The ld. DR has not disputed the facts. So, the demand raised in penalty amounting to Rs.1,30,345/- has not leg to stand. Since there is no demand of tax so, hence there would be no penalty is applicable u/s. 271(1)(c) of the Act in case of assessee.

4. Accordingly, we hereby delete the penalty amount of Rs.1,30,345/-.

Smt. Rani,

ITA NO. 601/ASR/2018

ASSTT. YEAR 2010-11

5. In the result, appeal of the assessee **ITA No. 601/Asr/2018** is allowed.

Order pronounced in the open court on 11.08.2022

Sd/-
(Dr. M. L. Meena)
Accountant Member

Sd/-
(Anikesh Banerjee)
Judicial Member

GP/Sr. PS

Copy of the order forwarded to:

- (1) The Appellant:
- (2) The Respondent:
- (3) The CIT(A),
- (4) The CIT concerned
- (5) The Sr. DR, I.T.A.T
- (6) The Guard File

True Copy
By Order

Smt. Rani,

ITA NO. 601/ASR/2018

ASSTT. YEAR 2010-11