

**IN THE INCOME TAX APPELLATE TRIBUNAL "B" BENCH, PUNE**

**BEFORE SHRI S.S. GODARA, JUDICIAL MEMBER  
AND  
G.D. PADMAHALI, ACCOUNTANT MEMBER**

**ITA No.1956/PUN/2018**  
(Assessment Year: 2014-15)

Sangeeta Arun Deshmukh  
343/312, Indraprastha  
Gadkar Ali  
Satara 415001

The Income Tax Officer -5  
531-A/2, 'Manjunath Manor'  
Vs. Opp. Science College  
Sadar Bazar  
Satara 415001

PAN -AKHPD2857M

**Appellant**

**Respondent**

Appellant by: Mrs. J.R. Chandekar  
Respondent by: Shri M.G. Jasnani

Date of Hearing: 18.08.2022  
Date of Pronouncement: 26.08.2022

**ORDER**

**Per S.S. Godara, JM**

This assessee's appeal for AY 2014-15 arises against the CIT(A) 4, Pune's order dated 29.12.2018 passed in case No. PN/CIT (A)-4/Wd-5, Satara/437/2916017/217, involving proceedings under Section 271(1)(b) of the Income Tax Act, 1961 (in short the Act).

Heard both the parties. Case file perused.

2. Learned D.R. vehemently argued during the course of hearing that both the lower authorities have rightly penalised the assessee under Section 271(1)(b) of the Act thereby levying penalty of Rs.10,000/-. Mr. Jasnani invited our attention to the Assessing Officer's Section 144 assessment dated 02.12.2016 that since the assessee had not complied with Section 142(1) notice dated 06.09.2016 fixing the hearing on 14.09.2016, the impugned penalty very much deserves to be confirmed.

3. All these Revenue's arguments failed to evoke our concurrence as the foregoing assessment had made three-folded unexplained investments,

unexplained credits and income from other sources involving varying sums only on the basis of the material placed on record at the assessee's behest. The assessee's auditor also appears to have put in appearance on 10.10.2016 as well. Face with this situation, we conclude that both the learned lower authorities had erred in levying the impugned Section 271(1)(b) non-cooperation penalty of Rs.10,000/- in the given facts and circumstances. The same is directed to be deleted.

4. This assessee's appeal is allowed.

Order pronounced in the open court on 26<sup>th</sup> August, 2022.

Sd/-  
**(G.D. Padmahshali)**  
**Accountant Member**

Sd/-  
**(S.S. Godara)**  
**Judicial Member**

Pune, Dated: 26<sup>th</sup> August, 2022

Copy to:

1. *The Appellant*
2. *The Respondent*
3. *The CIT(A) -4, Pune*
4. *The Pr.CIT-3, Pune*
5. *The DR, "B" Bench, ITAT, Pune*

*By Order*

//True Copy//

*Assistant Registrar  
ITAT, Pune Benches, Pune*

n.p.