

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH "F" DELHI**

**BEFORE SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER  
&  
SHRI PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER**

I.T.A. No.4228/DEL/2019  
Assessment Year 2008-09

Versatile Vinimay Pvt. Ltd., 1705, 4 <sup>th</sup> Floor, Onkar Bhawan, Bhagirath Place, Chandni Chowk, New Delhi.	v.	ITO, Ward-26(2), New Delhi.
TAN/PAN: AACCV6712F		
(Appellant)		(Respondent)

Appellant by:	Shri Aman Garg, CA		
Respondent by:	Shri Anil Kumar Sharma, Sr. DR		
Date of hearing:	24	08	2022
Date of pronouncement:	24	08	2022

**ORDER**

**PER PRADIP KUMAR KEDIA, A.M.:**

The captioned appeal has been filed by the Assessee against the order of the Commissioner of Income Tax (Appeals)-XXVIII, New Delhi ['CIT(A)' in short] dated 30.04.2019 arising from the penalty order dated 26.03.2018 passed under Section 271(1)(c) of the Income Tax Act, 1961 (the Act) concerning AY 2008-09.

2. At the outset, Id. counsel for the assessee submitted that the penalty imposed under challenge arises from the assessment framed by the Assessing Officer under Section 143(3). The additions/disallowances resulting in imposition of penalty has

since been settled under Vivad Se Vishwas Scheme 2020 for which form no.5 issued under the Scheme was adverted.

3. In the light of such facts where the additions/disallowances in the quantum proceedings stands settled under Vivad Se Vishwas Scheme 2020, the penalty imposed does not survive in term of Scheme. Consequently, the penalty imposed is cancelled.

4. In the result, the appeal of the assessee is allowed.

**Order pronounced in the open Court on 24/08/2022.**

Sd/-  
**[CHANDRA MOHAN GARG]**  
**JUDICIAL MEMBER**

DATED: **/08/2022**

*Prabhat*

Sd/-  
**[PRADIP KUMAR KEDIA]**  
**ACCOUNTANT MEMBER**