

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH, 'C': NEW DELHI**

**BEFORE SHRI SHAMIM YAHYA, ACCOUNTANT MEMBER AND
SHRI ANUBHAV SHARMA, JUDICIAL MEMBER**

**ITA Nos.8301 & 8302/DEL/2018
[Assessment Years: 2003-04 & 2006-07]**

M/s Ghaziabad Development Authority, C/o M/s RRA TAXINDIA, D-28, South Extension, Part-I New Delhi-110049	Vs	DCIT, Exemption Circle, Ghaziabad
PAN-AAALG0072C		
Assessee		Revenue

Assessee by	Dr. Rakesh Gupta, Adv. & Sh. Somil Agarwal, Adv.
Revenue by	Ms. Ranu Mukherjee, CIT-DR

Date of Hearing	06.09.2022
Date of Pronouncement	.09.2022

ORDER

PER BENCH,

These are appeals by the assessee are directed against the orders of the Ld. CIT(A), Ghaziabad, both dated 31.10.2018 pertaining to Assessment Years 2003-04 and 2006-07 respectively.

2. These appeals are against levy of penalty u/s 271(1)(c) of the Income Tax Act, 1961(hereinafter 'the Act') for both the Assessment Years as under:-

Sl. No.	Assessment Year	Amount (in Rs.)
1	2003-04	1,02,62,02,318/-
2	2006-07	1,55,68,80,766/-

3. At the outset, in this case, the Ld. Counsel for the assessee contended that the penalty has been levied with regard to the quantum additions in the hands of the assessee, wherein, the ITAT by a common order dated 28.01.2022 for both Assessment Years in ITA No.1828/Del/2017 & 1829/Del/2017, deleted the additions on the basis of which the penalty has been levied. The ITAT in quantum appeals has held that the assessee is eligible for deduction u/s 11 of the Act and the matter was remanded back to the file of the Ld. CIT(A) for limited purpose for recomputing the eligible deduction in accordance with provisions of section 2(15) of the Act.

4. We have heard both the parties and perused the records. We find that the penalty has been levied u/s 271(1)(c) of the Act and the quantum additions has been deleted by the ITAT, hence, the basis of levy of penalty does not survive. In this view of the matter, the penalty is liable to be deleted. We direct accordingly.

5. In the result, both appeals of the assessee are allowed.

Order pronounced in the open court on 09th September, 2022.

Sd/-
[ANUBHAV SHARMA]
JUDICIAL MEMBER

Sd/-
[SHAMIM YAHYA]
ACCOUNTANT MEMBER

Delhi; Dated:09.09.2022.

Shekhar,

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1. Appellant
2. Respondent
3. CIT

4. CIT(A)
5. DR

Asst. Registrar,
ITAT, New Delhi