

आयकर अपीलीय अधिकरण “बी” न्यायपीठ पुणे में ।
IN THE INCOME TAX APPELLATE TRIBUNAL “B” BENCH, PUNE

BEFORE SHRI S.S.GODARA, JM
AND SHRI DR. DIPAK P. RIPOTE, AM

आयकर अपील सं. / ITA No.2350/PUN/2016 & 2351/PUN/2016
निर्धारण वर्ष / Assessment Year : 2003-04 & 2004-05

Ratanlal C. Bafna,
Prop.of R.C. Bafna Silver Palace,
96, Subhash Chowk,
Jalgaon – 425 001.

PAN : AAMPB 3939K

.....अपीलार्थी / Appellant

बनाम / V/s.

ACIT, Cen.Circle -2, Nashik

.....प्रत्यर्थी / Respondent

Assessee by : Shri Sunil Ganoo
Revenue by : Shri M.G.Jasnani

सुनवाई की तारीख / Date of Hearing : 21.07.2022
घोषणा की तारीख / Date of Pronouncement : 21.09.2022

आदेश / ORDER

PER S. S. GODARA, JM :

1. These assessee's twin appeals both for AY 2003-04 & 2004-05 arise against the CIT(A)-12, Pune's common order dated 21.07.2016 passed in case No. PN/CIT(A) -12/9 & 10/2015-16; affirming the Assessing Officer's action imposing penalties of Rs.38,52,797/- and Rs.14,20,283/-; assessment year wise, respectively in proceedings u/s.271(1)(c) of the IT Income Tax Act, 1961; in short "the Act".

Heard both the parties. Case files perused.

2. We straight way advert to the assessee's identical sole substantive grievance raised herein that both the learned authorities have erred in law and on facts in imposing the impugned penalty(ies) as a consequence to his alleged undisclosed income unearthed during the course of search carried out at M/s. Chhoriya group dated 22.08.00 at Jalgaon. It further transpires that this tribunal's common order dated 15.07.2019 in the assessee's corresponding quantum appeals ITA 109 & 110/PUN/14 has restored all the issue(s) forming basis of impugned penalties; back to the Assessing Officer for his afresh adjudication/necessary factual verification. The Revenue is fair enough in not disputing all these clinching developments. We thus conclude in this factual background the assessee's instant penalty appeals must also follow the suit being consequential in nature. Ordered accordingly.

No other ground or argument has been raised or pressed before us at this stage.

3. These assessee's twin appeals are allowed for statistical terms in above. A copy of this common order be placed in the respective case files.

Order pronounced in the Open Court on this 21st day of September, 2022.

Sd/-

(DR. DIPAK P. RIPOTE)
 लेखा सदस्य/ **ACCOUNTANT MEMBER**

Sd/-

(S.S. GODARA)
 न्यायिक सदस्य/**JUDICIAL MEMBER**

पुणे / Pune; दिनांक / Dated : 21st September, 2022.
 Ashwini

ITA No.2350/PUN/2016 &
ITA No. 2351/PUN/2016
A.Y. : 2003-04 & 2004-05
Ratanlal C. Bafna,

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

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The CIT(A)-12, Pune
4. The Pr.CIT, Central, Nagpur.
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, “बी” बेंच,
पुणे / DR, ITAT, “B” Bench, Pune.
6. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

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

*ITA No.2350/PUN/2016 &
ITA No. 2351/PUN/2016
A.Y. : 2003-04 & 2004-05*
Ratanlal C. Bafna,

| S.No. | Details | Date | Initials |
|-------|--|------------|----------|
| 1 | Draft dictated on | 22.07.2022 | |
| 2 | Draft placed before author | 19.09.2022 | |
| 3 | Draft proposed & placed before the Second Member | | |
| 4 | Draft discussed/approved by Second Member | | |
| 5 | Approved Draft comes to the Sr. PS/PS | | |
| 6 | Kept for pronouncement on | | |
| 7 | Date of uploading of Order | | |
| 8 | File sent to Bench Clerk | | |
| 9 | Date on which the file goes to the Head Clerk | | |
| 10 | Date on which file goes to the A.R. | | |
| 11 | Date of Dispatch of order | | |