

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: 'A' NEW DELHI****BEFORE DR. B. R. R. KUMAR, ACCOUNTANT MEMBER
AND
SH. YOGESH KUMAR U.S., JUDICIAL MEMBER****I.T.A. No. 1440/DEL/2020 (A.Y 2012-13)**

Assistant Commissioner of Income Tax Circle-2(2) New Delhi (APPELLANT)	Vs	M/s. Alcatel Lucent Managed Solutions India Pvt. Ltd. 1507/1507S Level 15, Eros Corporate Tower, Nehru Place, New Delhi PAN: AAHCA1341C (RESPONDENT)
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Appellant by	Sh. Ankul goel, Adv & Sh. Priyam Bhatnagar, Adv
Respondent by	Sh. P. Praveen Sidharth, CIT DR

Date of Hearing	17.10.2022
Date of Pronouncement	20.10.2022

ORDER**PER YOGESH KUMAR U.S., JM**

The assessee has preferred the present appeal challenging the order dated 31/01/2020 passed by the Ld.CIT(A)-16, Mumbai on the following grounds:-

"1. Whether on the facts and circumstances of the case, the Ld. CIT(A) erred in deleting penalty levied by the AO u/s 271(l)(c) of the Act amounting to Rs. 9,56,85,812/- by holding in its order that Ld. AO has not mentioned that assessee has filed improper details or wrong details, which is contrary to the facts highlighted by the AO in penalty order.

2. *Whether on the facts and circumstances of the case, the Ld. CIT(A) has erred in not appreciating the peculiar nature of facts of the case that penalty was levied by the AO on the disallowance made on account of bed debt claim of assessee, which was found to be nothing but same transactions and a methodloly of colorable device so as to reduce taxable income.”*

2. The Ld. Counsel for the assessee at the outset submitted that the addition made in the assessment order by the Ld. A.O. which has been confirmed by the Ld.CIT(A) for the year under consideration has been deleted in the quantum appeal filed by the assessee in ITA No. 5957/Mum/2016 vide order dated 17/12/2019, the Ld. Counsel for the assessee has produced the copy of the same. Since the quantum appeal filed by the assessee has been allowed by deleting the addition, the penalty order and the order passed by the Ld.CIT (A) by confirming the penalty order will not sustain. Therefore, the impugned order passed by Ld.CIT (A) is set aside by deleting the penalty imposed on the assessee.

3. In the result, the appeal filed by the assessee is allowed.

Order pronounced in the Open Court on this 20th Day of October , 2022

Sd/-
(B. R. R. KUMAR)
ACCOUNTANT MEMBER

Sd/-
(YOGESH KUMAR U.S.)
JUDICIAL MEMBER

Dated: 20/10/2022

*R. Naheed **

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT NEW DELHI

