

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

**BEFORE SH.N.K. BILLAIYA, ACCOUNTANT MEMBER
AND
SH. ANUBHAV SHARMA, JUDICIAL MEMBER**

ITA No.8229/Del/2019
Assessment Year: 2013-14

Jalvayu Tower, Apartment Owners Association, Plot No.37-40, Jalvayu Tower, Sector-56, Gurgaon -122001 PAN No.AAAJJ0275G	Vs	ITO Ward- 2 (2) Gurgaon
(APPELLANT)		(RESPONDENT)

Appellant	Sh. Deepak Kataria, CA
Respondent	Sh. Rvind Kumar Bansal, Sr. DR

Date of hearing:	08/12/2022
Date of Pronouncement:	08/12/2022

ORDER

PER N.K. BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the CIT(A)-2, Gurgaon dated 26.07.2019 pertaining to A.Y.2013-14.

2. The sum and substance of the grievance of the assessee is that the CIT(A) erred in confirming the levy of penalty u/s. 271 (1) (c) of the act.

3. At the very outset the Counsel for the assessee drew our attention to the order of this Tribunal in ITA No.5885/Del/2016 dated 29.01.2021 pertaining to A.Y. 2013-14 and pointed out that

the assessee has opted to settle the dispute relating to the tax arrears under the VSV Scheme 2020 and accordingly withdrew the appeal filed against the quantum additions which prompted the AO to levy penalty u/s. 271 (1) (c) of the Act.

4. We have carefully perused the order of the authorities below and have also considered the decision of the coordinate Bench dismissing the appeal as withdrawn.

5. On the given facts we set aside the issue to the files of the AO. The AO is directed to verify whether the quantum in relation to the additions made in A.Y.2013-14 has been settled under the VSV Act 2020 and if so then give the benefit to the assessee in respect of the penalty as per the relevant provisions of the VSV Act 2020. With these directions the appeal is restored back to the files of the AO and allowed for statistical purpose.

6. Decision announced in the open court on 08.12.2022

Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER

NEHA, Sr. Private Secretary

Date:- .12.2022

Copy forwarded to:

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

Sd/-
(N. K. BILLAIYA)
ACCOUNTANT MEMBER

ASSISTANT REGISTRAR
ITAT NEW DELHI