

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

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

I.T.A. No.1434/DEL/2020
Assessment Years 2008-09

ACIT, Central Circle-14, New Delhi.	v.	Gopal Kumar Goyal, Flat No.4, RR Apartments, 3- 4, Mangalpuri, New Delhi.
TAN/PAN: AEFPG8370J (Appellant)		(Respondent)

Appellant by:	Ms. Monika Agarwal, CA
Respondent by:	Shri T. James Singson, CIT-DR
Date of hearing:	22 02 2023
Date of pronouncement:	22 02 2023

ORDER

PER PRADIP KUMAR KEDIA, A.M.:

The captioned appeal has been filed by the Revenue against the order of the Commissioner of Income Tax (Appeals)-XXVI, New Delhi [‘CIT(A)’ in short] dated 30.01.2020 arising from the penalty order dated 31.03.2019 passed by the Assessing Officer under Section 271(1)(c) of the Income Tax Act, 1961 (the Act) concerning AY 2008-09.

2. As per its grounds of appeal, the Revenue has challenged the imposition of penalty of Rs. 34,74,81,470/- imposed by the Assessing Officer u/s. 271(1)(c) of the Act.

3. When the matter was called for hearing in the captioned Revenue’s appeal, the Id. counsel for the assessee at the outset submitted that the quantum

assessment giving rise to addition stands quashed by the Co-ordinate Bench of the Tribunal in ITA No.1552/Del/2018 order dated 08.02.2023 and thus the basis for imposing penalty has faded into oblivion and has ceased to exist.

4. Having regard to the assertion made on behalf of the assessee and in the light of the order of the Co-ordinate Bench in quantum proceedings, the edifice for imposing penalty has clearly ceased to exist. Hence, the penalty imposed in question does not survive any more. Accordingly, the penalty imposed in question stands deleted.

3. In the result, the appeal of the Revenue is dismissed.

Order was pronounced in the open Court on 22.02.2023.

Sd/-

**[CHANDRA MOHAN GARG]
JUDICIAL MEMBER**

Sd/-

**[PRADIP KUMAR KEDIA]
ACCOUNTANT MEMBER**

DATED: **02.2023**

Prabhat