

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

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

ITA No.7650/Del/2019
Assessment Year: 2012-13

Takshila Retail Pvt. Ltd. 2 nd Floor, 19, Local Shopping Complex Near, Pushpa Bhawan, Madangir, New Delhi-110062 PAN No.AACCB6795J	Vs	ACIT Circle 25 (1) New Delhi
(APPELLANT)		(RESPONDENT)

Appellant by	None
Respondent by	Ms. Sapna Bhatia, CIT DR

Date of hearing:	15/03/2023
Date of Pronouncement:	15/03/2023

ORDER

PER N. K. BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the CIT(A)-9, New Delhi dated 15.07.2019 pertaining to A.Y.2012-13.

2. The solitary grievance of the assessee is that the CIT(A) erred in confirming the penalty of Rs.7,96,53,037/-imposed by the AO u/s. 271 (1) (c) of the Act.

3. Before going into the merits of the appeal, it has been brought to the notice of the Bench that the quantum appeal has been set aside by the Tribunal vide order dated 28.04.2022 in ITA No.887/Del/2017 to the files of the CIT(A).

4. On this fact this appeal is also restored to the files of the CIT(A). The CIT(A) is directed to decide the appeal for the levy of penalty u/s.271 (1) (c) of the Act after deciding the quantum appeal and after affording a reasonable and sufficient opportunity of being heard to the assessee.

5. In the result, the appeal is allowed for statistical purpose.

6. Decision announced in the open court on 15.03.2023.

Sd/-

[ANUBHAV SHARMA]
JUDICIAL MEMBER

Dated:15.03.2023

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Copy forwarded to:

1. Appellant
2. Respondent
3. CITi
4. CIT(A)
5. DR

Sd/-

[N.K. BILLAIYA]
ACCOUNTANT MEMBER

Asst. Registrar
ITAT, New Delhi