

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. 1752/Del/2021, A.Y. 2017-18

Shri Sanjeev Sehgal R/o. H. No. 709 Sector-11, Vashundra, Ghaziabad-201010 PAN : BCLPS4164H	Vs.	Joint Commissioner of Income Tax, Range-2, Ghaziabad
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Assessee by	None
Revenue by	Sh. Girish Kumar Kohli, Sr.DR

Date of hearing:	15.03.2023
Date of Pronouncement:	15.03.2023

ORDER

Per Anubhav Sharma, JM :

Heard and perused the record.

2. As the case was called for hearing, non-appeared for the assessee/appellant and the record shows, notices have been repeatedly issued and notice stand served upon the assessee for which report is filed by the revenue.

3. The assessee is in appeal challenging the order dated 29.08.2021 from national faceless appeal centre in regard to assessment order dated 02.07.2019

u/s 271D of the Income Tax Act, 1961 (hereinafter referred to as the “Act”) passed by Joint Commissioner of Income Tax, Range-2, Ghaziabad (hereinafter referred to as ‘the Ld. AO’) wherein Ld. CIT(A) has dismissed the appeal of assessee and sustained the levy of penalty.

4. It can be appreciated from the matter on record that as with regard to the fact of receiving cash of Rs. 2,05,000/- in contravention of provisions of 269(SS) of the Act assessee had failed to bring on record any reasonable cause as mandated u/s 273B of the Act. The claim that the agreement was entered on 03.04.2014 is not substantiated, as the payments by way of banking channel are of the financial year 2016-17 and the sale deed under which receipt of cash is established was executed on 03.01.2017. So Amendment to section 269SS of the Act, wef 1.6.2015 vis a vis penalty u/s 271D was rightly applied. There is no substance in the grounds, **consequently the appeal of assessee is dismissed.**

Order pronounced in the open court on 15th March, 2023.

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

**Sd/-
(ANUBHAV SHARMA)
JUDICIAL MEMBER**

Date:- 15.03.2023

Binita, SR.P.S

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT, NEW DELHI