IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH: E: NEW DELHI

BEFORE SHRI CHANDRA MOHAN GARG, JUDICIAL MEMBER
AND
SHRI M. BALAGANESH, ACCOUNTANT MEMBER

ITA No. 4227/Del/2019
Assessment Year: 2007-08

Mahanagar Telephone Nigam Ltd., 5th Floor, MDS 9, CGO Complex, Lodhi Road, New Delhi 110003 PAN **AAACM 0828 R**	vs.	The ACIT, Circle-1 (LTU), New Delhi
(Appellant)		(Respondent)

For Assessee :	Shri Ved Jain, Adv. & Shri Aman Garg, CA
Revenue For :	Shri Sumit Kumar Verma, Sr. DR

Date of Hearing :	18.05.2023
Date of Pronouncement :	22.05.2023

ORDER

PER CHANDRA MOHAN GARG, J.M.

This appeal filed by the assessee is directed against the order dated 25.03.2019 of the Ld.CIT(A)-22, New Delhi, relating to Assessment Year 2007-08.

2. This is an assessee appeal against the order of CIT(A) dated 25.03.2019 whereby CIT(A) has confirmed the amount of penalty of Rs. 25,08,012/- imposed by AO u/s. 271(1)(c) of the Income Tax Act 1961. Brief facts of the case are that the assessee's case was selected for the re-assessment proceedings u/s. 147 of the Income Tax Act 1961 whereby AO via order dated 30.03.2015 made disallowance of Rs. 20,56,82,131/- u/s. 43B of the Income Tax Act 1961 on account of property tax paid. Thereafter the assessee filed an appeal before the CIT(A) against the order of Assessing Officer. The ld. CIT(A) confirmed the addition of Rs. 74,51,016/- u/s. 43B of the Income Tax Act 1961. Both assessee and revenue filed an appeal against CIT(A) order bearing ITA No. 4349/Del/2016 and 4817/Del/2016 respectively before the Tribunal. The Tribunal via order dated 27.04.2023 allowed the assessee appeal and dismissed the revenue appeal. These facts have not been controverted by the ld. Senior DR.

3. Consequently, deleting the entire addition of Rs. 74,51,016/- confirmed by CIT(A). since the above mentioned appeal of assessee has been allowed and addition made AO u/s. 43B has been deleted. Hence, penalty of Rs. 25,08, 012/- confirmed by the CIT(A) u/s. 271(1)(c) of the Act does not survive and hence we direct the Assessing Officer to delete the same.

4. In the result, the appeal of assessee is allowed.

Order pronounced in the open court on 22.05.2023.

Sd/-	Sd/-
(M. BALAGANESH)	(CHANDRA MOHAN GARG)
ACCOUNTANT MEMBER	JUDICIAL MEMBER

Dated: 22nd May, 2023.

NV/-

Copy forwarded to:

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

// By Order //

Asstt. Registrar, ITAT, New Delhi