

Date of hearing : 23.06.2023
Date of pronouncement: 23.06.2023

ORDER

Captioned appeals by the assessee are against three separate orders of learned Commissioner of Income-tax (Appeals)-IV, Kanpur pertaining to assessment years 2008-09 and 2009-10.

2. At the outset, learned counsel appearing for the assessee submitted that the additions, based on which, the penalties have been levied under section 271(1)(c) of the Income-tax Act, 1961 in respect of all these assessee, in the meanwhile, have been fully deleted by the Tribunal. Thus, he submitted, penalties imposed under section 271(1)(c) of the Act cannot survive.

3. Learned Departmental Representative fairly agreed with the aforesaid submissions of the assessee.

4. Having considered rival submissions, we find that while deciding the quantum appeals in case of the respective assessee, the Tribunal, in three separate orders passed on 31.01.2023 in ITA No. 3397/DDN/2015, ITA No. 3400/Del/2015 and ITA No. 339/Del/2015 has fully deleted the additions based on which,

penalties under section 271(1)(c) of the Act were imposed. That being the admitted position emerging on record, the penalties imposed u/s. 271(1)(c) of the Act in respect of the aforesaid assesseees cannot survive. Accordingly, penalties imposed in all these appeals are deleted.

5. In the result, appeals are allowed.

Order pronounced in the open court on 23/06/2023.

Sd/-

(M. BALAGANESH)
ACCOUNTANT MEMBER

Sd/-

(SAKTIJIT DEY)
VICE-PRESIDENT

Dated: 23.06.2023

*aks/-