

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

**BEFORE SH. N. K. BILLAIYA, ACCOUNTANT MEMBER
AND
SH.KUL BHARAT, JUDICIAL MEMBER**

ITA No.192/Del/2019
Assessment Year: 2013-14

Honda Access India Pvt. Ltd. Plot No.1-D/5, Udyog Vihar, Ecotech-II, Greater Noida, Gautam Budh Nagar, Greater Noida, U.P. PAN No.AACCH9695K	Vs	DCIT Circle-I Noida
(APPELLANT)		(RESPONDENT)

Appellant by	Sh. Manuj Sabharwal, Advocate
Respondent by	Sh. Munesh Rajani, Sr DR

Date of hearing:	29/08/2023
Date of Pronouncement:	29/08/2023

ORDER

PER N. K. BILLAIYA, AM:

This appeal by the assessee is preferred against the order of the CIT(A)-1, Noida dated 30.08.2018 pertaining to A.Y.2013-14.

2. The sum and substance of the grievance of the assessee is that the CIT(A) erred in confirming the levy of penalty u/s. 271 (1) (c) of the Act amounting to Rs.120980/-.

3. The roots for the levy of penalty lie in the assessment order dated 28.03.2016 framed u/s.143(3) of the Act by which returned loss of Rs.11879282/- was assessed at a loss of Rs.10654210/-. The order was challenged before the appellate authorities and the quarrel travelled up to this Tribunal.

4. This Tribunal in ITA No.3368/Del/2018 by order dated 14.06.2023 has deleted the additions/disallowance and the appeal was allowed.

5. Since the basis has been removed the penalty has no legs to stand. We accordingly direct the AO to delete the penalty so levied. The appeal of the assessee is allowed.

6. Decision announced in the open court on 29.08.2023.

Sd/-
[KUL BHARAT]
JUDICIAL MEMBER

Dated: .08.2023
Neha
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