

आयकर अपीलीय अधिकरण “बी” न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
“B” BENCH, CHENNAI

माननीय श्री महावीर सिंह, उपाध्यक्ष एवं
माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MAHAVIR SINGH, VP AND
HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM

आयकर अपील सं. ITA No.941/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2013-14)

Ambasamudram Sarvodaya Sangh 1, Gandhi Nagar, Veeravanallur-627 426.	बनम / Vs.	ITO Exemption Ward, Tirunelveli.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AAAAA-3720-E		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थीकी ओरसे/ Appellant by	:	Shri P.M.Kathir (Advocate)-Ld.AR
प्रत्यर्थीकी ओरसे/ Respondent by	:	Shri D.Hema Bhupal (JCIT)-Ld. Sr. DR

सुनवाईकी तारीख/ Date of Hearing	:	28-11-2023
घोषणाकी तारीख / Date of Pronouncement	:	28-11-2023

आदेश / O R D E R

Manoj Kumar Aggarwal (Accountant Member)

1. Aggrieved by confirmation of penalty u/s 271B for Rs.1.50 Lacs vide impugned order dated 14.08.2023, the assessee is in further appeal before us. The said penalty is levied for failure to get accounts audited and filing of Tax Report Audit u/s 44AB within stipulated time.
2. The Ld. AR assailed impugned penalty on the ground that Audit Report was duly furnished during assessment proceedings and returned income was accepted by revenue. The Ld. Sr. DR submitted that the assessee could not demonstrate any reasonable cause for default.

Having heard rival submissions, our adjudication would be as under. The assessee is a society registered under Societies Registration Act, 1860.

3. The impugned penalty stem from the fact that the assessee was assessed u/s 144 on 23-03-2022. Since the assessee defaulted in uploading the Tax Audit Report within stipulated period, Ld. AO initiated penalty proceedings u/s 271B. The assessee submitted that portal was not ready to accept the return of income as well as tax audit report at the relevant point of time. The same were duly furnished on 28-02-2022 during the course of assessment proceedings. However, Ld. AO rejected the same and levied impugned penalty vide order dated 26-09-2022. The Ld. CIT(A) confirmed the same on the ground that there was no reasonable cause for default. Aggrieved, the assessee is in further appeal before us.

4. From the fact, it would emerge that the assessee is a society registered under Societies Registration Act, 1860. The assessee did not file return of income. However, the case was reopened and the assessee was asked to file return of income before 27-07-2021. The assessee could not file Audit Report due to technical glitches only which is evident from assessee's letter dated 16-08-2021 as written to Ld. AO during the course of assessment proceedings. Finally, the same was furnished during assessment proceedings and the same was accepted. Considering all these facts, we are of the considered opinion that it is not a fit case for levy of penalty. Therefore, we delete the same.

5. The appeal stand allowed.

Order pronounced in open court on 28th November, 2023.

Sd/-
(MAHAVIR SINGH)
उपाध्यक्ष / **VICE PRESIDENT**

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखा सदस्य / **ACCOUNTANT MEMBER**

चेन्नई Chennai; दिनांक Dated :28-11-2023
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF