

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DEHRADUN CIRCUIT BENCH: DEHRADUN**

**BEFORE,  
SHRI M. BALAGANESH, ACCOUNTANT MEMBER  
AND  
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

**ITA No.3844/De1/2018  
(ASSESSMENT YEAR 2007-08)**

Azad Ali (Deceased) through L/H Naziran Khatoon, Vill & PO Ajabpur Kalan Dehradun (Uttarakhand)  PAN-AZVPA 8477F	Vs.	Income Tax Officer Ward-1(1) Dehradun (Uttarakhand)
<b>(Appellant)</b>		<b>(Respondent)</b>

Appellant By	None
Respondent by	Smt. Poonam Sharma, Addl. CIT-DR
Date of Hearing	14/12/2023
Date of Pronouncement	15/12/2023

**ORDER**

**PER M.BALAGANESH, AM:**

This appeal of the assessee arises out of the order of the Learned Commissioner of Income Tax (Appeals)-Haldwani [hereinafter referred to as 'Ld. CIT(A)'] in Appeal No.10030/CIT(A)/DDN/2016-17 dated 22/03/2018 against the order passed by Income Tax Officer, Ward-2(1), Dehradun

(hereinafter referred to as the 'Ld. AO') u/s 143(3) of the Income Tax Act, 1961 (hereinafter referred to as 'the Act') on 25/10/2013 for the Assessment Year 2007-08.

2. None appeared on behalf of the assessee. We proceed to dispose of this appeal on hearing the Ld. DR and based on materials available on record.

3. The only issue to be decided in this appeal is as to whether the Ld. CIT(A) was justified in confirming the levy of penalty u/s 271(1)(c) of the Act in the facts and circumstances of the instant case.

4. The Ld. DR pursuant to the direction issued by the Bench on earlier date of hearing with regard to the quantum proceedings, fairly filed a letter dated 01/09/2023 before us stating that the quantum assessment has been quashed by this Tribunal on the ground of invalid assumption of jurisdiction u/s 147 of the Act without going into the merits of the case vide its order dated 23/06/2023. Once, the quantum assessment is quashed, the penalty proceedings emanating out of such quashed assessment

would have no legs to stand in the eyes of law. According, penalty levied by the Ld. AO is hereby directed to be deleted.

5. In the result, the appeal filed by the assessee is allowed

Order pronounced in the open court on 15<sup>th</sup> December, 2023.

Sd/-  
**(YOGESH KUMAR U.S.)**  
**JUDICIAL MEMBER**

Sd/-  
**(M. BALAGANESH)**  
**ACCOUNTANT MEMBER**

Dated:15/12/2023

PK/Ps

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT NEW DELHI  
(Dehradun Circuit Bench, Dehradun)