

आयकर अपीलीय अधिकरण 'सी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'C' BENCH, CHENNAI

माननीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
माननीय श्री मनोमोहन दास, न्यायिक सदस्य का समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM AND
HON'BLE SHRI MANOMOHAN DAS, JUDICIAL MEMBER

आयकर अपील सं./ ITA No.1170/Chny/2023
(निर्धारण वर्ष / Assessment Year: 2017-18)

Shri Ammasai Karuppanan Shanmugam 107, Thangaperumal Street, Kallukadaimedu, 105-6B, Erode-638 001.	बनाम/ Vs.	JCIT Range-1 Erode.
स्थायी लेखा सं./जी आइ आर सं./PAN/GIR No. APGPS-5464-P		
(पीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओर से/ Appellant by	:	Shri S.Sridhar (Advocate) Erode -Ld. AR
प्रत्यर्थी की ओर से/ Respondent by	:	Shri N.S.Phanidharan (JCIT)-Ld. DR

सुनवाई की तारीख/Date of Hearing	:	20-12-2023
घोषणा की तारीख /Date of Pronouncement	:	20-12-2023

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aggrieved by confirmation of penalty u/s 271E for Rs.27.00 Lacs for Assessment Year (AY) 2017-18 by first appellate authority vide impugned order dated 19-08-2023, the assessee is in further appeal before us. The impugned order has been passed by learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] on 19-08-2023 in the matter of impugned penalty levied by Ld. Assessing Officer [AO] u/s. 271E of the Act vide order dated 09-03-2022 for repayment of loan amounting to Rs.27.00

Lacs in cash during financial year 2016-17, which is stated to be in contravention of provisions of section 269T.

2. The Ld. AR, appearing for assessee, sought another opportunity of hearing before lower authorities since the assessee failed to make any representation before lower authorities. The Ld. AR also undertook to substantiate its case in case another opportunity was given. The Ld. Sr. DR opposed the same. Keeping in mind the principle of natural justice, the bench deems it fit to grant another opportunity of hearing to the assessee. However, this would come at a cost of Rs.5,000/- which shall be deposited by the assessee within 30 days from the date of receipt of the order to 'Tamil Nadu State Legal Services Authority' at Hon'ble High Court of Madras. The proof of the same shall be furnished by the assessee to learned Assessing Officer who shall proceed to frame penalty order de novo after affording opportunity of hearing to the assessee. The assessee is directed to substantiate its case.

3. The appeal stand allowed for statistical purpose.

Order pronounced in open court on 20th December, 2023.

Sd/-
(MANOMOHAN DAS)
न्यायिक सदस्य / JUDICIAL MEMBER

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

चेन्नई Chennai; दिनांक Dated :20-12-2023
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

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