

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'F': NEW DELHI**

**BEFORE,  
SHRI NARENDRA KUMAR BILLAIYA, ACCOUNTANT MEMBER  
AND  
SHRI YOGESH KUMAR U.S., JUDICIAL MEMBER**

**ITA No.1704/Del/2020  
(ASSESSMENT YEAR 2006-07)**

M/s. Prakash Industries Ltd., Nr. IOCL Depot Najafgarh Bijwasan Road Bijwasan New Delhi-110 061 PAN : AABCP 6765H <b>(Appellant)</b>	Vs.	ACIT, Hisar Haryana       <b>(Respondent)</b>
---	-----	---

Assessee by	Ms. Ayushi Gupta, Advoate
Department by	Sh. V.K. Dubey, Sr. DR

Date of Hearing	17/01/2024
Date of Pronouncement	19/01/2024

**ORDER**

**PER YOGESH KUMAR U.S., JM:**

This appeal filed by the Assessee against the order of Learned Commissioner of Income Tax (Appeals), Rohtak, ["Ld. CIT(A)", for short], dated 05/08/2020 for Assessment Year 2006-07.

2. The Ld. Counsel for the assessee submitted that addition made by the AO has been deleted by the Tribunal in the quantum appeal in ITA No.349/Del/2010 for A.Y.2006-07, therefore, the

penalty proceedings initiated pursuant to the additions made in the assessment is liable to be set aside. The Ld. Counsel for the assessee has also produced the order of the Co-ordinate Bench dated 05/01/2024 in ITA No.349/Del/2010. The Ld. DR has not disputed the above facts.

3. Considering the fact that the Co-ordinate Bench vide order dated 05/01/2024 in ITA No.349/Del/2010 deleted the addition in the quantum appeal, the consequential penalty order is also liable to be quashed. Accordingly, the appeal is allowed and the impugned penalty order and the order of the Ld. CIT(A) are hereby set aside.

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

Order pronounced in open Court on 19<sup>th</sup> January, 2024.

Sd/-

**(NARENDRA KUMAR BILLAIYA)**  
**ACCOUNTANT MEMBER**

Sd/-

**(YOGESH KUMAR U.S.)**  
**JUDICIAL MEMBER**

Dated: 19/01/2024

PK/Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR  
ITAT, NEW DELHI

Draft dictated	17/01/2024
Draft placed before author	17/01/2024
Approved Draft comes to the Sr.PS/PS	18/01/2024
Order signed and pronounced on	19/01/2024
File sent to the Bench Clerk	19/01/2024
Date on which file goes to the AR	
Date on which file goes to the Head Clerk.	
Date of dispatch of Order.	
Date of uploading on the website	19/01/2024