

IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE "SMC" BENCH : PUNE [VIRTUAL HEARING]

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.1146/PUN./2023 [E-APPEAL]  
Assessment Year 2013-2014

Shri Ulka Madhukumar Shinde, Sector-11, Plot No.35, Kamothe – 410 209 Maharashtra. PAN DIYPS5785R	vs.	The ACIT, 22CR, W3V, Income Tax Office, PANVEL – 400 614. Maharashtra.
(Appellant)		(Respondent)

For Assessee :	-None-
For Revenue :	Shri Basavaraj Hiremath

Date of Hearing :	04.03.2024
Date of Pronouncement :	04.03.2024

**ORDER**

**PER SATBEER SINGH GODARA, J.M. :**

This assessee's appeal for assessment year 2013-14, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No.ITBA/NFAC/S/250/2023-24/1056596960(1), dated 27.09.2023, involving proceedings u/s.271 of the Income Tax Act, 1961 (in short "the Act").

Case called twice. None appears at assessee's behest. He is accordingly proceeded ex-parte.

2. Coming to the assessee's sole substantive grievance that both the learned lower authorities have erred in law and on facts in levying the impugned sec.271(1)(c) penalty of Rs.3,39,900/- in Assessing Officer's order dated 05.02.2022 as upheld in the NFAC's detailed discussion, Shri Basavaraj vehemently argued that the assessee could not rebut the clinching findings that his cash

deposits amounting to Rs.11,00,000/- had represented concealed income. I find no merit in the Revenue's instant vehement contentions as quantum and penalty proceedings have already been held to be parallel in nature wherein each and every disallowance/ addition does not automatically attract the latter penal provision as held by hon'ble apex court's landmark decision in *CIT Vs. Reliance Petro Products (2010) 322 ITR 158 (SC)*. There are no independent findings in both the learned lower authority(ies) respective orders as to how it is an instance of concealment of taxable income. I accordingly delete the impugned penalty. The assessee succeeds in his sole substantive grievance. Ordered accordingly.

4. This assessee's appeal is allowed in above terms.

Order pronounced in the open Court on 04.03.2024.

Sd/-  
[SATBEER SINGH GODARA]  
JUDICIAL MEMBER

Pune, Dated 04<sup>th</sup> March, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The Pr. CIT, Pune concerned
4.	D.R. ITAT, "SMC" Bench, Pune.
5.	Guard File.

//By Order//

//True Copy //

Assistant Registrar, ITAT, Pune Benches,  
Pune.