

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

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI AMARJIT SINGH, , ACCOUNTANT MEMBER

I.T.A.No.873/PUN./2023 [E-APPEAL]
Assessment Year 2015-2016

The DCIT, Circle-2, PMT Bldg., Shankar Sheth Road, Swargate, Pune – 411 037 Maharashtra.	vs.	Vishnu Pundlik Pashankar, D102, Windsor Residency, C/o. Mahesh Pashankar Baner, Baner Balewadi Phata Opp. Ganesh Datta Mandir, Pune – 411 045 Maharashtra. PAN AAQPP9498R
(Appellant)		(Respondent)

For Assessee :	Shri Rohit Shah
For Revenue :	Shri Sourabh Nayak, Addl. CIT

Date of Hearing :	09.02.2024
Date of Pronouncement :	28.02.2024

ORDER

PER SATBEER SINGH GODARA, J.M. :

This Revenue's appeal for assessment year 2015-2016, arises against the National Faceless Appeal Centre [in short "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1053624494(1), dated 08.06.2023, involving proceedings u/s.271 of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. It emerges at the outset with the able assistance coming from both the parties that there is hardly any need for

us to delve with the relevant factual matrix at length so far as the Revenue's sole substantive grievance herein seeking to revive sec.271(1)(c) penalty of Rs.1,43,16,869/- is concerned. This is for the precise reason that the same pertains to corresponding quantum of long term capital gains addition of Rs.6,31,81,249/- made by the Assessing Officer in his sec.143(3) assessment dated 28.12.2017 which already stands deleted in assessee's appeal ITA.No.428/PUN./2019 decided on 07.07.2021. That being the case and in absence of any change in this clinching factual backdrop, we are of the considered view that the impugned penalty hardly has any legs to stand. The Revenue's instant sole substantive grievance seeking to revive the same is rejected in very terms. Ordered accordingly.

All other issues on merits raised in the Revenue's instant appeal stand rendered academic.

3. This Revenue's appeal is dismissed in above terms.

Order pronounced in the open Court on 28.02.2024.

Sd/-
[AMARJIT SINGH]
ACCOUNTANT MEMBER

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated 28th February, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The ACIT, Circle-2, Income Tax Office, PMT Bldg., Shankar Sheth Road, Pune – 411 037. Maharashtra
4.	The CCIT, Pune
5.	D.R. ITAT, “B” Bench, Pune.
6.	Guard File.

//By Order//

//True Copy //

Assistant Registrar, ITAT, Pune Benches,
Pune.