

IN THE INCOME TAX APPELLATE TRIBUNAL
NAGPUR "SMC" BENCH :NAGPUR [VIRTUAL HEARING]
BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

I.T.A.No.392/NAG./2023
Assessment Year 2011-12

Nav Vidya Niketan Shikshan Sanstha, 1, Ambapeth Dhabaliya Niwas, Ambapeth, Amravati-444601 Maharashtra PAN : AABTN1915G (Appellant)	vs.	The Income Tax Officer, Ward-2, Exemp., Nagpur (Respondent)
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For Assessee :	Shri Mahavir Atal
For Revenue :	Shri Abhay Y. Marathe

Date of Hearing :	22.03.2024
Date of Pronouncement :	25.04.2024

ORDER

This assessee's appeal for assessment year 2011-12, arises against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1054995289(1), dated 09.08.2023, involving proceedings u/s. 271(1)(c) of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties at length. Case file perused.

2. Coming to the assessee's sole substantive grievance challenging the correctness of both the learned lower authorities action levying penalty u/s. 271(1)(c) of the Act of Rs.23,03,904/-, it emerges at the outset, that the same pertains to section 69C quantum addition of Rs.74.56 lakhs which now stands deleted in the CIT(A)-3, Nagpur's Din and Order No.ITBA/APL/S/250/2023-

24/1058438291(1), dated 04.12.2023 passed after the NFAC's lower appellate order impugned herein.

3. Learned counsel has invited my attention to this quantum lower appellate order forming part of the case record. The Revenue is equally fair in not disputing these intervening developments. Faced with this situation, I hereby conclude that the impugned penalty has no legs to stand once the CIT(A) has deleted the corresponding quantum addition itself. Ordered accordingly.

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

Order pronounced in the open Court on 25.04.2024.

Sd/-
[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Pune, Dated : 25th April, 2024

Ravi/-

Copy to

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

//By Order//

//True Copy //

Sr. Private Secretary, ITAT, Pune Benches,
Pune.