

IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "SMC", PUNE

BEFORE SHRI INTURI RAMA RAO, ACCOUNTANT MEMBER
AND
Ms. ASTHA CHANDRA, JUDICIAL MEMBER

आयकर अपील सं. / ITA No.755/PUN/2024

निर्धारण वर्ष Assessment Year : 2018-19

Hotel Radhika, 1795, E-Ward, 2 nd Lane, Rajarampuri, Kolhapur – 416008 Maharashtra PAN : AAAFH9222K	Vs.	ITO, Ward-2(1), Kolhapur
Appellant		Respondent

Assessee by : Shri Sarang Gudhate

Revenue by : Shri R.Y. Balawade

Date of hearing : 31.05.2024

Date of pronouncement : 31.05.2024

आदेश / ORDER

PER INTURI RAMA RAO, AM:

This is an appeal filed by the assessee directed against the order of National Faceless Appeal Centre (NFAC), Delhi dated 29.11.2023 confirming the levy of penalty u/s.270A of the Income-tax Act, 1961 (hereinafter referred to as 'The Act') for the assessment year 2018-19.

2. Briefly, the facts of the case are that the appellant is a Partnership firm. The Return of Income for the A.Y. 2018-19 was filed on 29.10.2018 declaring income of Rs.2,37,630/-. Against the said return of income, the assessment was completed by the Assessing Officer (AO) at a total income of Rs.11,11,618/-. While doing so, the AO made the

disallowance of interest on remuneration paid to partners of Rs.7,95,058/- and also made addition of Rs.78,930/, being interest on income-tax refund. Thereafter, the AO levied penalty of Rs.4,91,346/- u/s.270A of the Act on account of misreporting of income.

3. Being aggrieved, an appeal was filed before the CIT(A)/NFAC who vide impugned order confirmed the levy of penalty.

4. Being aggrieved, the appellant is in appeal before the Tribunal in the present appeal.

5. We heard the rival submissions and carefully perused the relevant material on record. The quantum appeal – ITA No.754/PUN/2024 in respect of which the penalty was levied u/s.270A was restored to the file of CIT(A). Therefore, in the fitness of things, in our considered view, this penalty order shall also be remanded back to the file of the CIT(A) for *denovo* assessment of penalty in accordance with law.

6. In the result, the appeal filed by the assessee stands partly allowed for statistical purpose.

Order pronounced on this 31st day of May, 2024.

Sd/-
(ASTHA CHANDRA)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

पुणे / Pune; दिनांक / Dated : 31st May, 2024

Satish

आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr.CIT concerned
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "SMC" बेंच,
पुणे / DR, ITAT, SMC" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune