

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, चण्डीगढ़
**IN THE INCOME TAX APPELLATE TRIBUNAL
DIVISION BENCH, "B" CHANDIGARH**

**BEFORE SHRI SANJAY GARG, JUDICIAL MEMBER AND
SHRI KRINWANT SAHAY, ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No 254/CHD/2024

निर्धारण वर्ष / Assessment Year : 2016-17

Satish Garg, 23, Madhu Colony, Yamunanagar	Vs	The ITO, Ward-4, Income Tax Office, Yamunanagar
स्थायीलेखासं./PAN NO: AAWPK7566K		
अपीलार्थी/Appellant		प्रत्यर्थी/Respondent

(Physical Hearing)

निर्धारिती की ओर से/Assessee by: Shri Dhruv Goel, CA

राजस्व की ओर से/ Revenue by : Shri Vivek Vardhan, JCIT, Sr.DR

सुनवाई की तारीख/Date of Hearing : 21.08.2024

उद्घोषणा की तारीख/Date of Pronouncement : 23.08.2024

आदेश/Order

Per Sanjay Garg, Judicial Member:

The present appeal has been preferred by the assessee against the order dated 16.01.2024 of the Id. Commissioner of Income Tax (Appeals-3), Noida [hereinafter referred to as 'Id. CIT(A)'].

2. The assessee in this case has agitated the action of the ld. CIT(A) against the confirmation of penalty levied by the Assessing Officer of Rs. 1,63,700/- u/s Section 271 (1) (c) of the Income Tax Act, 1961 (in short 'the Act').

3. At the outset, the ld. Counsel for the Assessee has invited our attention to the impugned penalty order dated 28.06.2016 to submit that, in fact, there was no intentional furnishing of inaccurate particulars of income or concealment of income in this case. The ld. counsel submitted that the Assessee during the year had received interest income from two firms. The amount of Rs. 6,04,298/- was received from M/s Aggarwal Wood Industries, Yamunanagar and further an amount of Rs. 74,537/- from M/s Punjab Wood Products. However, due to clerical mistake the concerned clerk has put the amount of Rs. 74,537/- twice, i.e., instead of the amount of Rs. 6,04,298/- received from M/s Aggarwal Wood Industries, the amount of Rs. 74,537/- was mentioned. When, during the assessment proceedings, the Assessing Officer pointed out about the aforesaid discrepancy, the Assessee immediately submitted to the Assessing Officer that the

aforesaid discrepancy has occurred due to the clerical error and offered the difference of the amount as income of the Assessee. The ld. Counsel, therefore, has submitted that this is not a case of intentional furnishing of inaccurate particulars of income or concealment of income. The aforesaid discrepancy occurred only due to the clerical error. The ld. Counsel, in this respect, has relied on the decision of the Hon'ble Supreme Court in the case of 'Price Waterhouse Coopers (P.) Ltd. Vs. CIT, Koltaka-1' [2012] 348 ITR 306 (SC), wherein, the Hon'ble Supreme Court, on identical facts, has held that if the discrepancy had occurred through a bonafide and inadvertent error this can only be described as human error which we all are prone to make. The Hon'ble Supreme Court, thus, held that the imposition of penalty in such a case was not justified.

4. In the case in hand, the ld. AR of the Assessee has also demonstrated satisfactory that the discrepancy pointed out by the Assessing Officer was on account of a bonafide error, therefore, the levy of impugned penalty in the case in hand is not justified and the same is, accordingly, ordered to be deleted.

In the result, the appeal of the Assessee stands allowed.

Order pronounced in the Open Court on 23.08.2024.

Sd/-
(KRINWANT SAHAY)
Accountant Member

Sd/-
(SANJAY GARG)
Judicial Member

“rkk.”

आदेशकीप्रतिलिपिअग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकरआयुक्त/ CIT
4. विभागीयप्रतिनिधि, आयकरअपीलीयआधिकरण, चण्डीगढ़/ DR, ITAT, CHANDIGARH
5. गार्डफाईल/ Guard File

आदेशानुसार/ By order,
सहायकपंजीकार/ Assistant Registrar