

**IN THE INCOME TAX APPELLATE TRIBUNAL
PUNE BENCH "A", PUNE**

**BEFORE SHRI R. K. PANDA, VICE PRESIDENT
AND
MS ASTHA CHANDRA, JUDICIAL MEMBER**

**ITA No.1190/PUN/2024
Assessment Year : 2018-19**

Shri Gajanan Gramin Bigar Sheti Sahakari Patsanstha Maryadit Ajara Ajara S.O, Kolhapur – 416505	Vs.	ITO, Ward 1(1), Kolhapur
PAN : AAKAS8083N		
(Appellant)		(Respondent)

Assessee by : None
Department by : Shri Ramnath P Murkude
Date of hearing : 17-09-2024
Date of pronouncement : 20-09-2024

ORDER

PER R. K. PANDA, VP :

This appeal filed by the assessee is directed against the order dated 16.04.2024 of the CIT(A) / NFAC relating to assessment year 2018-19.

2. Although a number of grounds have been raised by the assessee, however, these all relate to the order of the CIT(A) / NFAC in confirming the penalty of Rs.21,37,828/- levied by the Assessing Officer u/s 270A of the Income Tax Act, 1961 (hereinafter referred to as 'the Act').

3. None appeared on behalf of the assessee at the time of hearing, therefore, this appeal is being decided on the basis of material available on record and after hearing the Ld. DR.

4. Facts of the case in brief, are that the assessee is a co-operative society and filed its return of income on 28.09.2018 declaring nil income. The Assessing Officer in the order passed u/s 143(3) of the Act determined the total income of the assessee at Rs.34,69,273/-. While doing so, he disallowed the claim of deduction of Rs.34,69,273/- u/s 80P of the Act. Subsequently, he initiated penalty proceedings u/s 270A of the Act on account of mis-reporting of income to the tune of Rs.34,69,273/-. Rejecting the various explanations given by the assessee, the Assessing Officer levied penalty of Rs.21,37,828/- being 200% of the tax sought to be evaded on the amount of Rs.34,69,273/- which was determined as additional income.

5. In appeal, the CIT(A) / NFAC dismissed the appeal filed by the assessee.

6. Aggrieved with such order of the CIT(A) / NFAC, the assessee is in appeal before the Tribunal.

7. The Ld. DR at the time of hearing filed a copy of the order of the Tribunal in assessee's own case and submitted that the Tribunal vide ITA Nos.1191 & 1192/PUN/2024, order dated 04.09.2024 for assessment years 2018-19 and 2020-21 has restored the quantum proceedings to the file of the CIT(A) / NFAC with certain directions. Therefore, this needs to be restored to the file of the CIT(A) / NFAC for fresh adjudication. Considering the fact that the quantum proceedings have been restored to the file of the CIT(A) / NFAC for fresh adjudication,

therefore, we deem it proper to restore the issue to the file of the CIT(A) / NFAC with a direction to decide the issue afresh in accordance with law after quantum appeal is decided. Needless to say, the CIT(A) / NFAC shall provide due opportunity of being heard to the assessee while deciding the appeal. The grounds raised by the assessee are accordingly allowed for statistical purposes.

8. In the result, the appeal filed by the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 20th September, 2024.

Sd/-
(ASTHA CHANDRA)
JUDICIAL MEMBER

Sd/-
(R. K. PANDA)
VICE PRESIDENT

पुणे Pune; दिनांक Dated : 20th September, 2024
GCVSR

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

1. अपीलार्थी / The Appellant;
2. प्रत्यर्थी / The Respondent
3. The concerned Pr.CIT, Pune
4. DR, ITAT, 'A' Bench, Pune
5. गार्ड फाईल / Guard file.

आदेशानुसार/ BY ORDER,

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

S.No.	Details	Date	Initials	Designation
1	Draft dictated on	17.09.2024		Sr. PS/PS
2	Draft placed before author	19.09.2024		Sr. PS/PS
3	Draft proposed & placed before the Second Member			JM/AM
4	Draft discussed/approved by Second Member			AM/AM
5	Approved Draft comes to the Sr. PS/PS			Sr. PS/PS
6	Kept for pronouncement on			Sr. PS/PS
7	Date of uploading of Order			Sr. PS/PS
8	File sent to Bench Clerk			Sr. PS/PS
9	Date on which the file goes to the Head Clerk			
10	Date on which file goes to the A.R.			
11	Date of Dispatch of order			