

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH, COCHIN**

Before Shri Satbeer Singh Godara, Judicial Member and
Shri Amarjit Singh, Judicial Member

ITA No. 414/Coch/2023
(Assessment Year: 2017-18)

Suresh Chambakara Appunni Ezhakad, Mundur Palakkad 678600 [PAN: ANAPS5889G]	vs.	The Income Tax Officer-2 Aayakar Bhavan English Church Road Palakkad 678014
(Appellant)		(Respondent)

Appellant by:	----- None -----
Respondent by:	Smt. V. Swarnalatha, Sr. D.R.

Date of Hearing:	22.08.2024
Date of Pronouncement:	23.10.2024

ORDER

Per Bench

This assessee's appeal for A.Y. 2017-18 arises against the National Faceless Appeal Centre, Delhi [CIT(A)]'s DIN & Order No. ITBA/ NFAC/S/250/2022-23/1051690790(1) dated 30.01.2023 in proceedings u/s. 250 of the Income Tax Act, 1961 (the Act).

Case called twice. None appears at assessee's behest. We accordingly proceed exparte against the assessee.

2. It emerges at the outset with the able assistance coming from both the parties that the CIT(A)/NFAC has passed exparte order confirming the Assessing Officer's action levying sec.270A penalty of Rs.4,64,494/- pertaining to the quantum addition of Rs.9,02,050/- [comprising of specified bank notes and estimated turnover @ 12%]

made in the course of assessment dated 30.12.2020. The Revenue vehemently supports the same during the course of hearing.

3. Smt. Swarnalatha could hardly dispute the clinching fact that the impugned quantum addition is itself based on estimation only and therefore, it deserves to be treated as the assessee's bonafide mistake only u/s.270A(6)(a) of the Act which has itself excluded from the purview of "under-reporting of income" by the legislature. We accordingly delete the impugned penalty in very terms.

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

Order pronounced in the open court on 23rd October, 2024.

Sd/-
(Amarjit Singh)
Accountant Member

Sd/-
(Satbeer Singh Godara)
Judicial Member

Cochin, Dated: 23rd October, 2024

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin