

IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH : COCHIN

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
AND
SHRI AMARJIT SINGH, ACCOUNTANT MEMBER

ITA.No.146/COCH./2024
Assessment Year 2016-2017

Kerala Forest Development Corporation Ltd., Aaranyakom, Karapuzha, KOTTAYAM – 686 003. PAN AAACK8721D KERALA.	vs.	The Commissioner of Income Tax, KOTTAYAM. KERALA.
(Appellant)		(Respondent)

For Assessee :	Smt. Parvathy Ammal, CA
For Revenue :	Smt. V. Swarnalatha, Sr. DR

Date of Hearing :	20.08.2024
Date of Pronouncement :	07.11.2024

ORDER

PER BENCH :

This assessee's appeal, for the assessment year 2016-2017, arise against the National Faceless Appeal Centre [in short the "NFAC"] Delhi's Din and Order No. ITBA/NFAC/S/250/2023-24/1060556035(1), dated 06.02.2024, in proceedings u/s.271B of the Income Tax Act, 1961 (in short "the Act").

Heard both the parties. Case file perused.

2. Coming to the assessee's sole substantive grievance challenging correctness of both the learned lower authorities action imposing sec.271B penalty herein; clinching facts emerging from the case file indicate that the "due" date of filing return u/sec.139(1) of the Act was 31.10.2016 and the assessee had submitted its statutory audit report on 25.02.2017 followed by the tax audit submitted on 06.07.2017; which culminated in the Assessing Officer's sec.143(3) assessment getting completed on 24.10.2018.

3. We are of the considered view in this backdrop of the facts that not only the learned Assessing Officer could complete his assessment in assessee's case very well after submission of the relevant tax audit report but also various circumstances involving of government body which has to abide by the State authority(ies) approvals and sanctions; could not be altogether ruled-out. We thus conclude that the foregoing delay of the assessee's tax audit report indeed involves "a reasonable cause" within the meaning of sec.273B of the Act. We accordingly delete the impugned penalty u/sec.271B in very terms. Ordered accordingly.

4. This assessee's appeal is allowed.

Order pronounced in the open Court on 07.11.2024.

Sd/-

[AMARJIT SINGH]
ACCOUNTANT MEMBER

Sd/-

[SATBEER SINGH GODARA]
JUDICIAL MEMBER

Cochin, Dated 7th November, 2024

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	The CIT(A) concerned.
4.	The CIT concerned
5.	The D.R. ITAT, Cochin Bench, Cochin.
6.	Guard File.

//By Order//

//True copy//

Sr. Private Secretary, ITAT, Cochin Bench,
Cochin