

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH “SMC”: NEW DELHI**

BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER

ITA No. 1899/DEL/2023
[Assessment Year: 2014-15]

Chandeep Singh Bhatia, E-28, Ground Floor, Rajouri Garden, New Delhi-110027.	<u>Vs</u>	Assessing Officer, National Faceless Assessment Centre, Delhi.
PAN: AARPB 8125 G		
APPELLANT		RESPONDENT
Assessee by		Shri Ankit Kumar, Adv.
Department by		Shri Sanjay Kumar, Sr. DR
Date of hearing		13.11.2024
Date of pronouncement		26.11.2024

ORDER

PER SATBEER SINGH GODARA, JM:

This assessee’s appeal for assessment year 2014-15 arises against National Faceless Appeal Centre (NFAC), Delhi’s DIN and order no. ITBA/NFAC/S/250/2022-23/1049285074(1), dated 31.10.2023, in case no. NFAC/2013-14/10119451, in proceedings u/s 271(1)(c) of the Income-tax Act, 1961, hereinafter referred to as the ‘Act’.

Heard both the parties at length. Case file perused.

2. Coming to the assessee’s sole substantive ground raised herein, challenging both the lower authorities’ action levying section 271(1)(c) penalty amounting to Rs. 4,68,623/-, it emerges at the outset from the learned Assessing Officer’s

penalty show cause notice dated 23.12.2016 that he had nowhere stated the specific limb as to whether it is an instance of concealment or that of furnishing of inaccurate particulars thereof. This being the clinching fact emerging from the case file, the hon'ble jurisdictional high court in PCIT & Ors. V. M/s Sahara India Life Insurance Co. Ltd. 2019(8) TMI 409 (Delhi) has already settled the issue in taxpayer's favour and against the department that such failure indeed vitiates the entire penalty proceedings. I, accordingly, accept the assessee's sole substantive grievance in very terms.

All other pleadings on merits qua correctness of the impugned penalty stand rendered academic.

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

Order pronounced in open court on 26.11.2024.

Sd/-
(SATBEER SINGH GODARA)
JUDICIAL MEMBER

MP

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR
ITAT, NEW DELHI