

**IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCH 'E' NEW DELHI**

**BEFORE PRADIP KUMAR KEDIA, ACCOUNTANT MEMBER &
SHRI VIMAL KUMAR, JUDICIAL MEMBER**

ITA No.1417/Del/2024
(Assessment Year : 2011-12)

Meena Gupta 27/29, 1 st Floor, Gali No. 9, Vishwas Nagar, New Delhi-110032 PAN No. AAGPG6952J (APPELLANT)	Vs.	ACIT Central Circle-14, New Delhi-110055 (RESPONDENT)
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Assessee by	Shri Madhav Kapoor, AR
Revenue by	Shri Amit Shukla, Sr. D.R.

Date of hearing:	21.10.2024
Date of Pronouncement:	27.11.2024

ORDER

PER PRADIP KUMAR KEDIA, AM :

The captioned appeal has been filed by the assessee against the order of the National Faceless Appeal Centre (NFAC), Delhi ('CIT(A)' in short) dated 28.03.2023 arising from the assessment order dated 25.12.2019 passed by the Assessing Officer (AO) under Section 143(3) of the Income Tax Act, 1961 ('the Act') concerning A.Y. 2011-12 in question.

2. The assessee by way of its grounds of appeal has challenged the action of the CIT(A) in confirming the penalty of Rs.3,98,370/- under s. 271(1)(c) of the Act.

3. When the matter was called for hearing, the learned AR for the assessee submitted that the quantum additions/disallowances giving rise to the imposition of penalty in appeal has been reversed by the co-ordinate bench of Tribunal in ITA No. 1194/Del/2020, order dated 15.11.2023 in the quantum proceedings.

4. In view of the fact that the quantum additions/disallowances itself do not survive and has ceased to exist owing to the appellate order of the ITAT in quantum proceedings, the very basis for imposition of penalty under s. 271(1)(c) also does not survive in tandem. Therefore, the action of the AO towards imposing penalty is set aside and cancelled.

5. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 27.11.2024.

Sd/-
(VIMAL KUMAR)
JUDICIAL MEMBER

Sd/-
(PRADIP KUMAR KEDIA)
ACCOUNTANT MEMBER

Date: 27.11.2024

Subodh Kumar, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR
ITAT NEW DELHI