

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

**Before Sh. Satbeer Singh Godara, Judicial Member
&
Sh. M. Balaganesh, Accountant Member**

ITA No. 2402/Del/2024 : Asstt. Year : 2010-11

Nidhi Auto Pvt. Ltd., 8599, East Park Road, Karol Bagh, New Delhi-110005	Vs	DCIT, Circle-13(1), New Delhi-110002
(APPELLANT)		(RESPONDENT)
PAN No. AABCN8112G		

**Assessee by : None
Revenue by : Sh. B. S. Anand, Sr. DR**

Date of Hearing: 25.11.2024	Date of Pronouncement: 27.11.2024
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ORDER

Per Satbeer Singh Godara, Judicial Member:

This assessee's appeal for Assessment Year 2010-11, arises against the order of CIT(A)/NFAC, Delhi dated 22.03.2024 in DIN & Order No. ITBA/NFAC/S/250/2023-24/1063146918(1) in proceedings u/s 271(1)(c) of the Income Tax Act, 1961 (in short "The Act").

2. Case called twice. None appears at the assessee's behest. It is accordingly proceeded *ex-parte*.

3. It emerges at the outset with the able assistance coming from the Revenue's side that both learned lower authorities have held the assessee to have furnished inaccurate particulars of its taxable income which included the corresponding quantum additions/disallowance of section 2(22)(e) deemed dividend, rates and tax, ROC fees and diversion of interest;

involving very sums, made in the assessment order dated 22.03.3013.

4. Learned departmental representative vehemently supported the impugned penalty that the assessee had not even cooperated in the lower appellate proceedings nor could it files reasonable explanation before the Assessing Officer. Be that it may, the facts remains that all these four issues could hardly be treated as an instance of either concealment of furnishing of inaccurate particulars of income going by CIT vs. Reliance Petroproducts 322 ITR 158 (SC) wherein their lordships has settled the instant issue long back that each and every quantum addition/disallowance does not attract section 271(1)(c) penalty as both are parallel proceedings. We draw strong support there from to delete the impugned penalty. Ordered accordingly.

5. This assessee's appeal is allowed in above terms.
Order Pronounced in the Open Court on 27/11/2024.

Sd/-

(M. Balaganesh)
Accountant Member

Dated: 27/11/2024

Subodh Kumar, Sr. PS

Copy forwarded to:

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

Sd/-

(Satbeer Singh Godara)
Judicial Member

ASSISTANT REGISTRAR