

आयकर अपीलीय अधिकरण 'बी' न्यायपीठ चेन्नई में।
IN THE INCOME TAX APPELLATE TRIBUNAL
'B' BENCH, CHENNAI

मजनीय श्री मनोज कुमार अग्रवाल, लेखक सदस्य एवं
मजनीय श्री मनु कुमार गिरि, न्यायिक सदस्य के समक्ष।
BEFORE HON'BLE SHRI MANOJ KUMAR AGGARWAL, AM
AND HON'BLE SHRI MANU KUMAR GIRI, JM

आयकर अपील सं. ITA No.2495/Chny/2024
(निर्धारणवर्ष / Assessment Year: 2018-19)

N1915 Vellalapatty Primary Agricultural Co-op. Credit Society Ltd. Vellalapatty, Omalur Salem Dist.PIN:636012.	बनाम/ Vs.	ITO Ward-1(6) Salem.
स्थायी लेखासं./जीआइआरसं./PAN/GIR No. AAAAN-8675-P		
(अपीलार्थी/ Appellant)	:	(प्रत्यर्थी / Respondent)

अपीलार्थी की ओरसे/ Appellant by	:	Shri T. Vasudevan (Advocate) - Ld.AR
प्रत्यर्थी की ओरसे/ Respondent by	:	Shri S. Easwar (JCIT) - Ld. DR

सुनवाई की तारीख/ Date of Hearing	:	16-12-2024
घोषणा की तारीख / Date of Pronouncement	:	16-12-2024

आदेश / ORDER

Manoj Kumar Aggarwal (Accountant Member)

1. Aggrieved by confirmation of penalty u/s 271B for Rs.1.20 Lacs for Assessment Year (AY) 2018-19, the assessee is in further appeal before us. The impugned order has been passed by learned Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi [CIT(A)] on 29.08.2024 in the matter of impugned penalty levied by Ld. Assessing Officer [AO] u/s. 271B of the Act vide order dated 20.01.2022.

The said penalty is levied for failure to get accounts audited and filing of Tax Report Audit u/s 44AB within stipulated time.

2. The AR submitted that the delay was beyond the control of the assessee since only after receipt of Audit Report of Co-operative Department, the auditor could prepare and file Audit Report for this year. The Ld. AR pointed out that the Audit Report dated 18-12-2018 was received from Co-operative department on 06-03-2019. Thereafter, the return of income was prepared and filed along with Tax Audit Report u/s 44AB. Our attention has been drawn to order of appropriate authority dated 30-12-2023 in the petition filed by the assessee u/s 119(2)(b) seeking condonation of delay in filing of return of income to lay claim on deduction u/s 80P. This petition has been allowed by appropriate authority accepting the fact that the delay was beyond the control of the assessee. Considering this fact alone, it could be said that there was a reasonable cause for late filing of Tax Audit Report. Accordingly, the impugned penalty is liable to be deleted. We order so.

3. The appeal stand allowed in terms of our above order.

Order pronounced on 16th December, 2024.

Sd/-
(MANU KUMAR GIRI)
न्यायिक सदस्य / JUDICIAL MEMBER

Sd/-
(MANOJ KUMAR AGGARWAL)
लेखक सदस्य / ACCOUNTANT MEMBER

चेन्नई Chennai; दिनांक Dated : 16-12-2024
DS

आदेशकीप्रतिलिपिअग्रेषित/Copy of the Order forwarded to :

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकरआयुक्त/CIT Salem.
4. विभागीयप्रतिनिधि/DR
5. गार्डफाईल/GF