

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

श्री एबी टी. वर्की, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
BEFORE SHRI ABY T VARKEY, JUDICIAL MEMBER AND
SHRI AMITABH SHUKLA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.666 /Chny/2024
निर्धारण वर्ष /Assessment Years: 2013-14

Dindigul Nadar Uravinmurai
SMB Manickam Nagar Packithammal
Matric School,
35 GTN Salai
Dindigul,
Tamil Nadu-624 005.
[PAN: AAATD8570D]

Income Tax Officer(Exemptions),
Madurai.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Assessee by

: Shri R.Kumar, Advocate.

प्रत्यर्थी की ओर से /Revenue by

: Ms.Anitha, Addl.CIT

सुनवाई की तारीख/Date of Hearing

: 17.01.2025

घोषणा की तारीख /Date of Pronouncement

: 12.02.2025

आदेश / ORDER

PER AMITABH SHUKLA, A.M :

This appeal is filed by the assessee against the order bearing DIN & Order No.ITBA/NFAC/S/250/2023-24/1060920975(1) dated 14.02.2024 of the Learned Commissioner of Income Tax [herein after "CIT(A), National Faceless Appeal Center[NFAC], Delhi, for the assessment years 2013-14. Through the aforesaid appeal the assessee has challenged order u/s 250 dated 14.02.2024 passed by NFAC, Delhi.

2.0 At the outset the Ld. Counsel for the assessee informed that it had opted for VSVS scheme qua the quantum assessment in respect of which the present penalty order rests. It was submitted that its application under VSVS has reached finality and department has issued form 4 also. Accordingly the Ld. Counsel urged that under section 93 of VSVS regulation it gets immunity from any penalty having any relation with the tax areas forming part of VSVS application. It was contended that the assessee gets immunity from present penalty order u/s 271(1)(c) levying a penalty of Rs.33,23,811/- which has been confirmed by the Ld. CIT(A) vide his impugned order dated 14.02.2024. The Ld. DR fairly conceded the facts of the case.

3.0 We have heard rival submissions in the light of material available on records. Accordingly, considering that under section 93 of VSVS regulation assessee gets immunity from any penalty having any relation with the tax areas forming part of VSVS application, the order of lower authorities is set aside and the grounds of appeal raised by the assessee are allowed.

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

Order pronounced on 12th, February-2025 at Chennai.

Sd/-

(एबी टी. वर्की)

(ABY T VARKEY)

न्यायिक सदस्य / Judicial Member

Sd/-

(अमिताभ शुक्ला)

(AMITABH SHUKLA)

लेखा सदस्य /Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 12th, February-2025.

KB/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT - Madurai
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF