

**IN THE INCOME TAX APPELLATE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

**BEFORE SHRI SUBHASH MALGURIA, JUDICIAL MEMBER
AND
SHRI NIKHIL CHOUDHARY, ACCOUNTANT MEMBER**

I.T.A. No.90/Alld/2024
Assessment Year:2017-18

Priti Mishra, 21/2/6, Clive Road, Civil Lines, Allahabad-211001 PAN:BJLPM9613M (Appellant)	Vs.	The Assisstant Commissioner of Income Tax, Circle-1, Allahabad (Respondent)
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Appellant by	Withdrawal Application
Respondent by	Shri A. K. Singh, Sr. D.R.
Date of hearing	21/01/2025
Date of pronouncement	25/02/2025

ORDER

PER SH. NIKHIL CHOUDHARY, J.M.

1. This appeal has been filed by the assessee against the order of the Id. CIT(A), NFAC under section 250 of the Act, passed on 29.03.2024 dismissing the appeal of the assessee against the levy of penalty under section 270A of the Income Tax Act. The grounds of appeal preferred are as under:-

"1. BECAUSE the learned CIT(A) has erred in law and on facts in sustaining a penalty of Rs. 86,774.00 under section 270A of the Income Tax Act. 1961 (hereinafter referred to as the Act).

2. BECAUSE during the course of penalty proceedings genuine and bona fide explanations were offered for the additions made in the assessment order and as such, the provisions contained in section 270(6) of the Act are squarely applicable in the instant case.

3. BECAUSE the additions on which the impugned penalty of Rs. 86,774.00 has been imposed were disclosed by the appellant on its own accord at the time of assessment proceedings and therefore, the imposition of penalty is not at all justified.

4. BECAUSE in any case and without prejudice to the grounds raised above, the conditions precedent for grant of immunity for levy of penalty having duly been complied with, the appellant deserves immunity from the penalty in terms of section 270AA (1) of the Act.

5. BECAUSE the order appealed against is contrary to the facts, law and the principles of natural justice to the extent above."

2. During the course of hearing, an application was received from the assessee's Authorized Representative pointing out that the assessee had opted for settlement of dispute under the Vivad Se Vishwas Scheme, 2024 and due taxes had been paid. Thereafter, Form No.3 had been issued by the Department. The assessee had to submit proof of withdrawal of appeal before the specified authority for final settlement of the case.

3. In view of the same, a prayer was made for withdrawal of appeal filed by the assessee. The Id. DR was consulted and he expressed that he had no objection to the withdrawal of the appeal in these circumstances of the case. Therefore, the appeal of the assessee is dismissed as withdrawn.

4. In the result, the appeal of the assessee is dismissed as withdrawn.

Orders pronounced on 25/02/2025 in accordance with Rule 34(4) of Income Tax (Appellate Tribunal) Rules, 1963.

Sd/-
(SUBHASH MALGURIA)
Judicial Member

Sd/-
(NIKHIL CHOUDHARY)
Accountant Member

Dated: 25/02/2025
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Copy of the order forwarded to :

1. The Appellant
2. The Respondent
3. Concerned CIT
4. The CIT(A)
5. D.R. ITAT, Allahabad

Asstt. Registrar