

आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर
IN THE INCOME TAX APPELLATE TRIBUNAL
INDORE BENCH, INDORE
BEFORE SHRI B.M. BIYANI, ACCOUNTANT MEMBER
AND
SHRI PARESH M. JOSHI, JUDICIAL MEMBER

ITA No.692/Ind/2024
Assessment Year:2014-14

RSRG Devbuild Pvt. Ltd. LG-39, Lower Ground Floor, BCM Heights Sch. No.54, PU-4, Indore	<u>बनाम/</u> <u>Vs.</u>	ITO 4(1) Indore
(Assessee/Appellant)		(Revenue/Respondent)
PAN: AAGCR6574H		
Assessee by	Shri S.S. Deshpande, AR	
Revenue by	Shri Ashish Porwal, Sr. DR	
Date of Hearing	20.03.2025	
Date of Pronouncement	20.03.2025	

आदेश / ORDER

Per B.M. Biyani, A.M.:

Feeling aggrieved by order of first-appeal dated 09.09.2024 passed by learned Commissioner of Income-Tax (Appeals)-NFAC, Delhi ["CIT(A)"] which in turn arises out of penalty-order dated 07.09.2022 passed by learned ITO-4(1), Indore ["AO"] u/s 271(1)(c) of Income-tax Act, 1961 ["the Act"] for Assessment-Year ["AY"] 2014-15, the assessee has filed this appeal on the grounds mentioned in Appeal Memo (Form No. 36).

2. Although Ld. AR for assessee filed an adjournment request in writing but at the time of hearing, he prayed to allow withdrawal of same and proceed for hearing of case on today itself. The request of Ld. AR is accepted and the hearing is proceeded.

3. Ld. AR next submitted that the present appeal assails the penalty of Rs. 24,72,000/- imposed by AO u/s 271(1)(c) and upheld by CIT(A). He submitted that the said penalty had been imposed by AO for the addition of Rs. 80,00,000/- made in assessment-order dated 30.03.2022 u/s 144/147 r.w.s. 144B of the Act. He submitted that the assessee's appeal against assessment-order [hereafter referred to as "Quantum-Appeal"] is still pending before CIT(A) and since the penalty u/s 271(1)(c) is consequential to the addition made in assessment-order, this matter should also be remanded back to the file of CIT(A) for adjudication afresh on the basis of outcome of Quantum-Appeal.

4. Ld. DR for revenue agrees to the submission of Ld. AR.

5. In view of above submissions-cum-consensus of parties, we restore this matter at the level of CIT(A) for adjudication afresh on the basis of outcome of Quantum-Appeal of assessee.

6. Resultantly, this appeal is allowed for statistical purpose.

Order pronounced in open court immediately after conclusion of hearing and subsequently reduced in writing on the very same day.

Sd/-

(PARESH M. JOSHI)
JUDICIAL MEMBER

Sd/-

(B.M. BIYANI)
ACCOUNTANT MEMBER

Indore

दिनांक /Dated : 20/03/2025

Patel/Sr. PS

Copies to: (1) The appellant
(2) The respondent
(3) CIT
(4) CIT(A)
(5) Departmental Representative
(6) Guard File

By order
Sr. Private Secretary
Income Tax Appellate Tribunal
Indore Bench, Indore