

THE INCOME TAX APPELLATE TRIBUNAL  
SURAT BENCH, SURAT

**Before: Shri Sanjay Garg, Judicial Member  
And Shri Bijayananda Pruseth, Accountant Member**

**ITA No. 622 /Srt/2024  
Assessment Year 2013-14**

Varju Investments Pvt. Ltd. Block No. 1 & 12 to 16, Village Karanj, Taluka Mandvi Karanj, Surat PAN: AAACV7157L (Appellant)	Vs	The DCIT, Circle-2(1)(1) Surat (Respondent)
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**Assessee by: Ms. Himali Mistry, A.R.  
Revenue by: Shri Ashish Pophare, CIT-D.R.**

Date of hearing : 03-03-2025  
Date of pronouncement : 28-03-2025

**आदेश/ORDER**

**Per Sanjay Garg, Judicial Member:-**

The present appeal has been filed by the Assessee against the order passed by the Learned Commissioner of Income Tax (Appeal)/National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as "CIT(A)"] dated 26.03.2024 arising from the order passed u/s. 271(1)(c) of the Income Tax Act, 1961 (here-in-after referred to as "the Act") relevant to the Assessment Year 2012-13.

2. The assessee in this appeal is aggrieved by the action of the Assessing Officer in confirming the penalty levied by the Assessing Officer u/s. 271(1)(c) of the Act.

3. At the outset, the Id. counsel for the assessee has stated that the impugned penalty has been levied by the Assessing Officer on the basis of quantum additions made by the Assessing Officer u/s. 68 of the Income Tax Act in the assessment order passed u/s. 143(3) of the Act by treating the share capital received by the assessee as bogus and thereby adding the same as income of the assessee from undisclosed sources. The Id. counsel for the assessee has submitted that the appeal against the quantum additions is still pending before the CIT(A). She has further submitted that decision arrived by the CIT(A) in the quantum appeal will have bearing on the order of levy of penalty u/s. 271(1)(c) of the Income Tax Act. She therefore submitted that the matter be restored to the file of CIT(A) to be decided along with the appeal of the assessee relating to quantum additions vide appeal no. CIT(A), Surat-2/10287/2016-17.

4. In view of the above facts and circumstances, the impugned order of the CIT(A) is set aside, the matter is restored back to the file of CIT(A) with a direction to decide the issue of levy of penalty along with the appeal of the assessee agitating the quantum additions. Thus, the appeal of the assessee is treated as allowed for statistical purposes.

5. In the result, the appeal is treated as allowed for statistical purposes.

Order pronounced in the open court on 28-03-2025

**Sd/-**  
**(BIJAYANANDA PRUSETH)**  
**ACCOUNTANT MEMBER**

**Ahmedabad : Dated: 28/03/2025**

**आदेश की प्रतिलिपि अग्रेषित / Copy of Order Forwarded to:-**

1. Assessee
2. Revenue
3. Concerned CIT
4. CIT (A)
5. DR, ITAT, Surat
6. Guard file.

**Sd/-**  
**(SANJAY GARG)**  
**JUDICIAL MEMBER**

By order

// True Copy //

Assistant Registrar,  
Income Tax Appellate Tribunal,  
Surat