

**IN THE INCOME TAX APPELLATE TRIBUNAL
“SMC” BENCH, AGRA**

**BEFORE SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER &
SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER**

**ITA No. 59/Agr/2024
(Assessment Year 2017-18)**

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| Prabhat Cold Storage and Agro Processing Pvt. Ltd. 20, Sabji Mandi, Crossing, Firozabad, Uttar Pradesh-283203 | Vs. | Addl.CIT, Aaykar Bhawan, Sanjay Palace, Agra Uttar Pradesh-282002 |
| स्थायीलेखासं./जीआइआरसं./PAN/GIR No:AAACP9717A | | |
| Appellant | .. | Respondent |

| | |
|-----------------|-----------------------------------|
| Appellant by : | None |
| Respondent by : | Sh. Shalender Shrivastava, Sr. DR |

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| Date of Hearing | 10.02.2025 |
| Date of Pronouncement | 10.02.2025 |

ORDER

PER SATBEER SINGH GODARA, JUDICIAL MEMBER:

This assessee's appeal for assessment year 2017-18 arises against Commissioner of Income Tax(Appeals)/National Faceless Appeal Centre [in short, the "CIT(A)/NFAC"], Delhi's DIN & Order No. ITBA/NFAC/S/250/2023-24/1058938930(1) dated 20.12.2023, involving proceedings u/s 271E of the Income-tax Act, 1961, [hereinafter referred to as the 'Act'].

2. Case called twice. None appears at the assessee's behest. It is accordingly proceeded *ex-parte*.

3. The learned DR vehemently argued during the course of hearing that both the lower authorities herein have rightly levied Section 271E penalty repayment of advances in cash at the assessee's behest. He, however, hardly rebutted clinching fact from the case file that the assessee runs cold storage facility for farmers who are mostly settled in rural areas not covered by the banking facility wherein such cash payments or receipts, in regular business activity could not be ruled out altogether.

4. We thus deem it proper to hold that the assessee has sufficient cause seeking deletion of the impugned section 271E penalty in very terms.

5. This assessee's appeal is allowed.

Order pronounced in the open court on 10.02.2025

Sd/-
(Manoj Kumar Aggarwal)
ACCOUNTANT MEMBER

Sd/-
(Satbeer Singh Godara)
JUDICIAL MEMBER

Dated 10.02.2025

PS: Rohit/Subodh, Sr. PS

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT

ASSISTANT REGISTRAR