

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

**BEFORE : SHRI SUNIL KUMAR SINGH, JUDICIAL MEMBER
AND
SHRI BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

ITA No.40/Agr/2025
Assessment Year: 2013-14

TarunaVatssa, Pashchimpuri, Dehtora, Agra.	456,	Vs.	Income-tax Officer, Ward 1(1)(1), Agra.
PAN : ABPPV0315B			
(Appellant)			(Respondent)

Assessee by	Sh. S.C. Jain, CA
Department by	Sh. ShailendraSrivastava, Sr. DR

Date of hearing	02.04.2025
Date of pronouncement	02.04.2025

ORDER

Per Sunil Kumar Singh, Judicial Member:

This appeal has been preferred by assessee against the impugned order dated 17.12.2024 passed in Appeals No.NFAC/2012-13/10299719 by the Ld. Commissioner of Income-tax (Appeals), NFAC, Delhi u/s. 250(6) of the Income-tax Act, 1961 (hereinafter referred to as "the Act") wherein the Id. CIT(Appeals), confirmed the penalty levied by the Assessing Officer amounting to Rs.40,01,200/- u/s. 271(1)(c) of the Act.

2. We have perused the records and heard the Id. Representative for the assessee and the Id. Departmental representative for the Revenue.

3. Learned representative for the assessee has submitted at the outset that the assessment order, on which the impugned penalty is based, has been set aside by the Tribunal in assessee's quantum appeal No. 317/Agr/2024 vide order dated 07.02.2025, remanding the matter back to the Assessing Officer. Therefore, the very foundation of penalty no longer exists in the present case.

4. Learned DR has supported the orders of the authorities below.

5. Keeping in view the aforesaid uncontroverted contention of the Id. Representative for the assessee, we are of the opinion that once the impugned additions, on the basis of which penalty u/s. 271(1)(c) of the Act was levied, have been set aside, restoring the matter back to the Assessing Officer by the Tribunal vide order dated 07.02.2025 in assessee's quantum appeal for re-consideration, the very basis for imposition of impugned penalty stands collapsed. Accordingly, there is no justification to sustain the penalty at this stage. The appeal of the assessee deserves to be allowed.

6. In the result, the appeal is allowed.

Order pronounced in the open court on 02.04.2025.

**Sd/-
(BRAJESH KUMAR SINGH)
ACCOUNTANT MEMBER**

**Sd/-
(SUNIL KUMAR SINGH)
JUDICIAL MEMBER**

Dated: 02.04.2025

*aks/-

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar, ITAT, Agra