

IN THE INCOME TAX APPELLATE TRIBUNAL "CUTTACK" BENCH, CUTTACK

**BEFORE SHRI GEORGE MATHAN, JM
AND**

SHRI RAJESH KUMAR, AM

ITA No. 524/CTK/2024

(Assessment Year: 2017-18)

Jogendra Kumar Panda
AT-Kuretula, PO-Sakhipara
Road, P.S. Sakhigopinath, Dist.
Sambalpur-768001, Odisha

(Appellant)

vs.

Income Tax Officer,
Ward 2(1), Sambalpur
Ainthapali Dist, Sambalpur-
768004, Odisha

(Respondent)

PAN No. BDHPP2043P

Assessee by : Shri P.K. Mishra, ARs
Revenue by : Shri Nishanth Rao B, DR

Date of hearing: 17.07.2025

Date of pronouncement: 17.07.2025

ORDER

PER PENCH:

This is an appeal filed by the assessee against the order of the Id. CIT (A), National Faceless Appeal Centre, Delhi in appeal no. ITBA/NFAC/S/250/2024-25/1070028931(1) dated 29.10.2024 for A.Y. 2017-18.

02. Shri P.K. Mishra represented on behalf of the assessee and Shri Nishanth Rao B, represented on behalf of the Revenue.
03. It was submitted by the Id. AR that the assessee had vide sale deed dated 23.03.2016, sold certain land being immovable property for sale a consideration of ₹39,20,000/-, which was received in cash. It was the submission that the Id. AO had examined sale deed and had accepted the transactions. The assessment order was also passed accepting the transaction. It was the submission that subsequently, for the A.Y. 2017-18, the JCIT, Range-1, has initiated the penalty proceedings u/s 271D

of the Act on account of violation of the provisions of Section 269SS of the Income-tax Act, 1961 (the Act) representing the cash transactions in respect of the sale of the assessee's immovable property. It was the submission that the sale of the property took place during the A.Y. 2016-17 and there was no cash transaction in violation of provisions of provision of Section 269SS of the Act for the A.Y. 2017-18. It was the submission that the penalty levied u/s 271D of the Act for the A.Y. 2017-18 is liable to be quashed.

04. In reply, the Id. Sr. DR submitted that it was a typographical error in respect of the assessment year and that it was a technical issue, whereas there was a total violation of the provisions of the Section 269SS of the Act and that the assessment year should be read as A.Y. 2016-17.
05. We have considered the rival submissions. A perusal of the facts in the present case clearly show that for the assessment year that the transaction of the sale of the land was by a sale deed dated 23.03.2016, relevant to the A.Y. 2016-17. A perusal of the assessment order for the A.Y. 2017-18 also clearly shows that the Id. AO has examined the issue of the amount of ₹39,20,000/- received in cash for the A.Y. 2017-18 and has held that there was a contravention of the provision of Section 269SS of the Act and the penal provision of section 271D of the Act are attracted. However, no addition in respect of the said cash deposit of ₹39,20,000/- has been made. Admittedly, as the transaction of the sale of the land is relevant to the A.Y. 2016-17, the violation if at all should be considered in the A.Y. 2016-17, which admittedly has not been done. The said violation if any does not relate to the A.Y. 2017-18. Consequently, we are of the view that the penalty levied by the Id. AO



and is confirmed by the Id. CIT (A) is unsustainable and consequently, directing the AO to delete the same.

06. In the result, the appeal of the assessee is allowed.

Order pronounced in the open court on 17.07.2025.

Sd/-
(RAJESH KUMAR)
(ACCOUNTANT MEMBER)

Sd/-
(GEORGE MATHAN)
(JUDICIAL MEMBER)

Kolkata, Dated: 17.07.2025

Sudip Sarkar, Sr.PS

Copy of the Order forwarded to:

1. The Appellant
2. The Respondent
3. CIT
4. DR, ITAT,
5. Guard file.

BY ORDER,

True Copy//

Sr. Private Secretary/ Asst. Registrar
Income Tax Appellate Tribunal, Cuttack