

**THE INCOME TAX APPELLATE TRIBUNAL
DELHIBENCH 'A', NEW DELHI**

Before Dr. B. R. R. Kumar, Accountant Member

Sh. Yogesh Kumar US, Judicial Member

ITA No. 3250/Del/2019 : Asstt. Year: 2012-13

DCIT, Central Circle-08, New Delhi	Vs.	Becon Constructions Pvt. Ltd., B-2/5, Plot No. 2, Ashok Nagar, DB Gupta Road, Near Faiz Chowk, Karol Bagh, New Delhi-110005
(APPELLANT)		(RESPONDENT)
PAN No. AACCB9387Q		

**Assessee by : Sh. Shashwat Bajpayee, Adv.
Revenue by : Sh. Kanv Bali, Sr. DR**

Date of Hearing: 28.02.2023

Date of Pronouncement: 28.02.2023

ORDER

Per Dr. B. R. R. Kumar, Accountant Member:

The present appeal has been filed by the revenue against the order of the Id CIT(A)-24, New Delhi dated 25.07.2016 for Assessment Year 2012-13.

2. The revenue has raised the following grounds of appeal:-

- "1. *The order of the Id CIT(A) is not correct in law and facts.*
2. *On the facts and in the circumstances of the case, the CIT(A) has erred in deleting the penalty of Rs. 79,16,580/- levied u/s 271(1)(c) on account of furnishing inaccurate particulars of income without even rebutting the findings of the AO and ignoring the fact that penalty u/s 271(1)(c) was levied by the AO after duly analyzing the fact that addition of Rs. 2,44,00,000/- was made on account of bogus purchases and the same has been*

upheld by the Id CIT(A) while deciding quantum appeal of the assessee."

2. The penalty has been levied u/s 271(1)(c) of the Act instead of Section 271AAA and hence the same is liable to be dismissed.

3. In the result, the appeal of the revenue is dismissed.

Order Pronounced in the Open Court on 28/02/2023.

Sd/-

(Yogesh Kumar US)
Judicial Member

Sd/-

(Dr. B. R. R. Kumar)
Accountant Member

Dated: 28/02/2023

Ajay Kumar Keot, Sr. PS

Copy forwarded to:

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

ASSISTANT REGISTRAR