

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई।
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH: CHENNAI

श्री यस यस विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखक सदस्य के समक्ष
BEFORE SHRI SS VISWANETHRA RAVI, JUDICIAL MEMBER AND
SHRI JAGADISH, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.2448/Chny/2025
निर्धारण वर्ष /Assessment Year: 2016-17

Ramkewal Sharma,
1, Vill Pure Gauri Shankar PO,
Beni Madhiganj B.O.,
Benimadhawganj,
Raebareli – 229216
Uttar Pradesh
PAN: BVBPR 0364K

The Income Tax Officer,
Vs. Ward-2(1),
Tirupur.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/ Appellant by
प्रत्यर्थी की ओर से /Respondent by

: Shri S. Mathangi, Advocate
: Ms. M. Subashri, Addl. CIT(virtual)

सुनवाई की तारीख/Date of Hearing

: 19.11.2025

घोषणा की तारीख /Date of Pronouncement

: 28.11.2025

आदेश / ORDER

PER JAGADISH, A.M :

Aforesaid appeal filed by the assessee for Assessment Year (AY) 2016-17 arises out of the order of Learned Commissioner of Income Tax (NFAC), Delhi [hereinafter "CIT(A)"] dated 20.08.2025.

2. The Assessing Officer (A.O.) has levied a penalty of Rs. 40,000/- u/s 271(1)(b) of the Income-tax Act, 1961 ("the Act") for non-

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compliance with notices issued u/s 142(1) on 17.08.2023, 15.09.2023, 29.09.2023 and 16.10.2023. Aggrieved, the assessee preferred an appeal before the Ld. CIT(A). The Ld. CIT(A), however, confirmed the penalty on the ground that the assessee failed to establish reasonable cause for such non-compliance.

3. The Ld. Authorized Representative (A.R.) submitted that the assessment order, in relation to which the penalty proceedings were initiated, has already been set aside to the file of the A.O. for framing a fresh assessment. It was therefore prayed that the penalty matter may also be restored to the file of the A.O.

4. The Ld. Departmental Representative (D.R.), on the other hand, relied on the orders of the lower authorities.

5. We have heard the rival submissions and perused the material available on record. The A.O has levied penalty of Rs 40,000/- u/s 271(1)(b) for non-compliance of four notices issued u/s 142(1) of the Act. The A.O has issued first notice u/s 142(1) on 17.08.2023 calling for certain details by 01.09.2023, which was not complied. The subsequent three notices issued are calling for the same information. The assessee has not been able to substantiate the reasonable cause

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for non compliance of the notice issued on 17.08.2023. We therefore confirm the penalty for the default of notice dated 17.08.202 to the extent of Rs.10,000/- for one default. We do not agree with the Ld. AR, request to restore the penalty proceeding back to A.O as the assessment proceeding has been restored back to the file of A.O by the Ld CIT(A), as the penalty u/s 271(1) (b) is for the non compliance of notice and is not dependent on the quantum of assessment order. Accordingly, the penalty levied to the extent of Rs10,000/- is confirmed.

6. In the result, the appeal filed by the assessee is partly allowed.

Order pronounced on 28th day of November, 2025 at Chennai.

Sd/-
(यस यस विश्वनेत्र रवि)
(SS Viswanethra Ravi)

न्यायिक सदस्य / Judicial Member

Sd/-
(जगदीश)
(Jagadish)

लेखा सदस्य / Accountant Member

चेन्नई/Chennai, दिनांक/Dated: 28th November, 2025.

EDN, Sr. P.S

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant
2. प्रत्यर्थी/Respondent
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR
5. गार्ड फाईल/GF