

आयकर अपीलीय अधिकरण, चण्डीगढ़ न्यायपीठ, चण्डीगढ़  
IN THE INCOME TAX APPELLATE TRIBUNAL  
DIVISION BENCH, 'DB' AMRITSAR

BEFORE SHRI MANOJ KUMAR AGGARWAL, ACCOUNTANT MEMBER &  
SHRI UDAYAN DASGUPTA, JUDICIAL MEMBER

आयकर अपील सं./ ITA No. 89/ASR/2024

निर्धारण वर्ष / Assessment Year: 2009-10

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|---|----|---|
| Gurbinder Singh,<br>Village Pasla,<br>Tehsil Phillaur,<br>Punjab 144037 | Vs | The ITO,<br>Ward02,<br>Phagwara,<br>Dist.Kapurthala |
| स्थायी लेखा सं./PAN NO: EJAPS2712G                                      |    |   |
| अपीलार्थी/Appellant   |    | प्रत्यर्थी/Respondent                               |

**VIRTUAL HEARING**

Assessee by : Sh. Aditya Sharma, CA  
Revenue by : Sh. Charan Dass, Sr. DR

Date of Hearing : 02.02.2026  
Date of Pronouncement : 03.02.2026

**ORDER**

**Per Udayan Dasgupta, J.M.:**

This appeal is filed by the assessee against the order of the ld. CIT (A) NFAC, Delhi dated 28.12.2023 passed u/s 250 of the Income Tax Act, 1961(henceforth the Act) which has emanated from the order of the AO, Ward-2, Phagwara, dated 26.09.2016 imposing a penalty u/s 271(1) (c) of the Act.

2. In course of hearing before the tribunal the Ld. AR of the assessee submitted that the only dispute in this case is that a penalty has been imposed by the AO u/s 271(1) (c) amounting to Rs. 63.22 lakhs, which has flown from the assessment order dated 18/03/2016, (incorrectly

mentioned as 26/02/2016 in para -2 of penalty order) passed u/s 144/147 of the Act determining total income at Rs.1.89 crores.

3. The said assessment order dated 18/03/2016 was challenged before the Ld first appellate authority , NFAC, Delhi and the Ld CIT(A) vide order dated 24/06/2025, passed u/s 250 of the Act , has set aside the matter back to the files of the AO for fresh assessment ( a copy of the said appeal order has been submitted as an enclosure to pb – 8 ) before the tribunal, consequently the penalty imposed u/s 271(1) (c) of the Act, and sustained in first appeal does not survive.

4. The Ld DR has no objection after verification of records.

5. As such the penalty order dated 26th September, 2016 imposed u/s 271(1) (c ) amounting to Rs. 63.22 lakhs does not survive and the same is quashed.

6. As such the appeal of the assessee is allowed.

Order pronounced on 03.02.2026.

SD/-

**(MANOJ KUMAR AGGARWAL)**  
**ACCOUNTANT MEMBER**

SD/-

**(UDAYAN DASGUPTA)**  
**JUDICIAL MEMBER**

“rkk”

आदेश की प्रतिलिपि अग्रेषित/ Copy of the order forwarded to :

1. अपीलार्थी/ The Appellant
2. प्रत्यर्थी/ The Respondent
3. आयकर आयुक्त/ CIT
4. विभागीय प्रतिनिधि, आयकर अपीलीय आधिकरण, चण्डीगढ़/ DR, ITAT,  
CHANDIGARH
5. गार्ड फाईल/ Guard File

आदेशानुसार/ By order,  
सहायक पंजीकार/ Assistant Registrar