

**आयकर अपीलीय अधिकरण, कटक न्यायपीठ, कटक**  
**IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH CUTTACK**  
**(THROUGH VIRTUAL HEARING)**

**BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER  
AND  
SHRI LAXMI PRASAD SAHU, ACCOUNTANT MEMBER**

आयकर अपील सं/ITA No.700/CTK/2025  
(निर्धारण वर्ष / Assessment Year : 2019-2020)

<b>Gouri Sankar Patro,</b> Nandighosh City, Flat No.104, B Block, Badriraj Nagar, Berhampur, Ganjam-760003	Vs	<b>ITO Ward-1, Berhampur</b>
PAN No. : <b>AMWPP 5599 B</b>		
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से / Assessee by	:	Shri Swarajya Sahu, AR
राजस्व की ओर से / Revenue by	:	Shri Vijay Singh, Sr.DR
सुनवाई की तारीख / Date of Hearing	:	03/02/2026
घोषणा की तारीख / Date of Pronouncement	:	03/02/2026

**आदेश / O R D E R**

**Per George Mathan, JM:**

This is an appeal filed by the assessee against the order dated 25.09.2025 passed by Id. CIT(A), National Faceless Appeal Centre (NFAC), Delhi for the assessment year 2019-2020, thereby confirming the of penalty levied u/s 271D of the Act.

2. It was submitted by the Ld.AR that the assessee had sold agricultural land and had received sale consideration of Rs.50,008/-. It was the submission that the AO invoked the provisions of section 269SS of the Act and treated the same as loan of deposits and levied penalty u/s.271D of the Act. It was submission that this was not a loan on deposits. It was prayer that the penalty as levied u/s.271D of the Act may be cancelled.

3. In reply, the Ld.Sr DR vehemently supported the order of the AO and CIT(A).

4. We have considered the rival submissions. The facts clearly shows that the said sale consideration of Rs.50,008/- has been received on the sale of agricultural property and the provision of section 269SS of the Act will not apply to the facts of the case. This being so, where the very foundation of the levy of penalty being unsustainable the penalty is not leviable in the present case and consequently the penalty as levied u/s.271D and 271D of the Act and as confirmed by the Ld.CIT(A) stands deleted.

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

Order dictated and pronounced in the open court on 03/02/2026.

**Sd/-**  
**(LAXMI PRASAD SAHU)**

लेखा सदस्य/ ACCOUNTANT MEMBER

**Sd/-**  
**(GEORGE MATHAN)**

न्यायिक सदस्य / JUDICIAL MEMBER

दिनांक Dated 03/02/2026

*Prakash Kumar Mishra, Sr.P.S.*

**आदेश की प्रतिलिपि अग्रहित/Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant-
2. प्रत्यर्थी / The Respondent-
3. आयकर आयुक्त(अपील) / The CIT(A),
4. आयकर आयुक्त / CIT
5. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, कटक / DR, ITAT, Cuttack
6. गार्ड फाईल / Guard file.

सत्यापित प्रति //True Copy//

आदेशानुसार/ BY ORDER,

**(Assistant Registrar)**

आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack