

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DELHI BENCH 'A', NEW DELHI**

**BEFORE SHRI MAHAVIR SINGH, HON'BLE VICE PRESIDENT  
&  
SMT. RENU JAUHRI, HON'BLE ACCOUNTANT MEMBER**

ITA No. 4349/DEL/2025; Assessment Year: 2020-21

<b>ACIT</b> New Delhi	Vs	<b>Manik Wadhwa</b> S-2/304, Eldeco Amantran Section 119 Noida-201301 Uttar Pradesh
(APPELLANT)		(RESPONDENT)
PAN No. AANPW8535F		

Assessee Represented by : Shri Raj Sharma, Advocate,  
Shri Manav, Advocate  
Revenue/Department Represented by : Ajay Kumar Arora, Sr. DR

Date of Hearing: 28.01.2026	Date of Pronouncement: 28.01.2026
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**ORDER**

**PER RENU JAUHRI :**

The above captioned appeal is preferred by the revenue against the order dated 29.05.2025, passed by Ld. CIT(A)-43, Delhi u/s 270A of the Income Tax Act, 1961 [hereinafter referred to as, "Act"] for A.Y. 2020-21.

2. Brief facts of the case are that penalty u/s 270A(9) of Rs. 1,18,58,340/- had been levied by the Ld. AO on the ground that assessee had claimed excessive deduction of Rs. 1,80,00,000/- without any supporting evidence, resulting in under reporting (in consequence of misreporting) of income. Aggrieved by the Ld. AO's penalty, the assessee preferred an appeal before the Ld. CIT(A). The assessee's appeal was allowed by Ld. CIT(A) after accepting his explanation that the claim was made due to 'clerical mistake and software glitch' and the same

was rectified by the assessee after it came to his knowledge on receiving the notice for scrutiny. Accordingly, vide order dated 29.05.2025, he deleted the penalty of Rs. 1,18,58,340/- u/s 270A(9) of the Act. Aggrieved with the order of Ld. CIT(A), the revenue is in appeal before the Tribunal.

3. We have heard the rival submissions and perused the material on record. We find that both the lower authorities have not verified the assessee's explanation regarding erroneous claim being made on account of clerical mistake and software glitch. We, therefore, deem it appropriate to restore the matter back to Ld. AO for verification and decide the matter afresh after giving due opportunity to the assessee to substantiate his claim.

4. In the result, the appeal of the Revenue is allowed for statistical purposes.

Order pronounced in the Open Court on 28-01-2026.

**Sd/-**  
**(MAHAVIR SINGH)**  
**Vice President**

**Sd/-**  
**(RENU JAUHRI)**  
**Accountant Member**

Dated: 05.02.2026

Pooja Mittal

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1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asstt. Registrar, ITAT, New Delhi