

आयकर अपीलीय अधिकरण, कटक न्यायपीठ, कटक

IN THE INCOME TAX APPELLATE TRIBUNAL CUTTACK BENCH CUTTACK

BEFORE SHRI GEORGE MATHAN, JUDICIAL MEMBER

AND

SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER

आयकर अपील सं/ITA No.726 & 727/CTK/2025

(निर्धारण वर्ष / Assessment Year : 2015-2016 & 2017-2018)

Ayimat Khan, Jayanagar, Habibnagar, Dhamanagar, Bhadrak-756117	Vs	ITO, Ward Bhadrak
PAN No. : CJMPK 7544 J		
(अपीलार्थी / Appellant)	..	(प्रत्यर्थी / Respondent)
निर्धारिती की ओर से / Assessee by	:	Shri Chitrasen Parida, Advocate
राजस्व की ओर से / Revenue by	:	Shri Ashim Kumar Chakraborty, CIT-DR & Shri Vijay Singh, Sr. DR
सुनवाई की तारीख / Date of Hearing	:	18/02/2026
घोषणा की तारीख / Date of Pronouncement	:	18/02/2026

आदेश / O R D E R

Per Bench :

These two appeals are filed by the assessee against the separate orders of the Ld.CIT(A), National Faceless Appeal Centre (NFAC), Delhi, both dated 21.11.2025 for the assessment years 2015-2016 & 2017-2018 arising out of the penalty levied u/s.271(1)(c) of the Act & u/s.271AAC(1) of the Act, respectively by the AO and confirmed by the Id. CIT(A).

2. It was submitted by the Ld.AR that the Ld.CIT(A) has dismissed the appeal of the assessee on account of delay in filing of the both the appeals. It was submitted by the Ld.AR that the quantum appeals in the case of the assessee has been restored to the file of the AO for readjudication in ITA No.231 & 232/CTK/2025, dated 14/08/2025. It was the prayer that the delay in filing of the appeal before the Ld.CIT(A) may be condoned and the

penalties may be quashed, insofar as the quantum has already been restored to the file of the AO for readjudication.

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

4. We have considered the rival submissions. As it is noticed that the quantum issues in regard to both the assessment years 2015-16 and 2017-18 on the basis of which the penalty has been levied, have been restored to the file of the AO for readjudication, the very legs on which the penalty stood no more survive. This being so, in the interest of justice, the delay in filing of the appeal before Ld.CIT(A) is condoned and the penalty is levied by the AO and has confirmed by the Ld.CIT(A) for both the assessment years under consideration stands deleted. The revenue is at liberty to initiate penalty proceedings, if so required in the set aside proceedings.

5. In the result, both appeals of the assessee are partly allowed

Order dictated and pronounced in the open court on 18/02/2026.

**Sd/-
(MADHUSUDAN SAWDIA)**

लेखा सदस्य/ ACCOUNTANT MEMBER

**Sd/-
(GEORGE MATHAN)**

न्यायिक सदस्य / JUDICIAL MEMBER

दिनांक Dated 18/02/2026

Prakash Kumar Mishra, Sr.P.S.

आदेश की प्रतिलिपि अग्रेषित/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.

आदेशानुसार/ BY ORDER,

सत्यापित प्रति //True Copy//

(Assistant Registrar)

आयकर अपीलीय अधिकरण, कटक/ITAT, Cuttack