

**IN THE INCOME TAX APPELLATE TRIBUNAL,  
AGRA (SMC) BENCH, AGRA**

**BEFORE : SHRI S. RIFAUR RAHMAN, ACCOUNTANT MEMBER**

**ITA No. 530/Agr/2025  
Assessment Year: 2019-20**

Friends Co-operative Housing Society Limited Vivek Bihar Colony Farukhabad, Dhanua B. O. Bahadurpur, Etawaha	<b>Vs.</b>	Dy. CIT Circle 2 (1)(1), Agra
<b>PAN : AAAAF3339A</b>		
<b>(Appellant)</b>		<b>(Respondent)</b>

Assessee by	Shri Ashish Jaiswal, Adv.
Department by	Shri Anil Kumar, Sr. DR

Date of hearing	18.02.2026
Date of pronouncement	19.02.2026

**ORDER**

The assessee has filed this appeal against the order of the learned Commissioner of Income-tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dated 24.09.2025 for the Assessment Year 2019-20.

2. Aggrieved, the assessee is in appeal before ITAT, raising following grounds:

1 THAT THE LEARNED CIT (A) HAS ERRED IN CONFIRMING THE PENALTY UNDER SECTION 272A(1)(d) OF THE INCOME TAX ACT, 1961.

2 THAT THE LEARNED CIT (A) AS WELL AS LEARNED AO HAS ERRED IN LEVYING THE PENALTY FOR NON-COMPLIANCE UNDER SECTION 272A(1)(d) OF THE ACT EVEN THOUGH THE APPELLANT HAD MADE COMPLIANCE AND CO-OPERATED IN THE ASSESSMENT PROCEEDING ON ACCOUNT OF WHICH THE RE-ASSESSMENT WAS COMPLETED UNDER SECTION 147 READ WITH SECTION 144B INSTEAD OF EX-PARTE UNDER SECTION 144 OF THE INCOME TAX ACT, 1961.

3 THAT THE LEARNED AS WELL AS CIT (A) HAS ERRED IN LEVYING THE PENALTY FOR NON-COMPLIANCE UNDER SECTION 272A(1)(d) OF THE ACT EVEN THOUGH THERE WAS REASONABLE CAUSE UNDER SECTION 273B OF THE INCOME TAX ACT, 1961.

4 THAT THE PENALTY LEVIED UNDER SECTION 272A(1) (d) OF THE INCOME TAX ACT, 1961 IS BAD-IN-LAW AS WELL AS ON FACTS.

5 THAT THE APPELLANT CRAVES LEAVE TO INTRODUCE, MODIFY OR WITHDRAW ANY GROUND OF APPEAL WITH YOUR HONOURS KIND PERMISSION.

3. At the time hearing, Ld AR of the submitted that the present appeal is against the penalty levied u/s 272A(1)(d) of the Act for non compliance to the notices issued u/s 142(1) of the Act. In this regard it was submitted that no doubt assessee had not complied to the various notices issued by the AO and also by Ld CIT(A) during the penalty proceedings. He prayed that the assessee has not complied to the notices initially however, subsequently complied to the notices and accordingly the assessment was completed u/s 147 of Act. He prayed that the above penalty may be deleted.

4. On the other hand, Ld DR objected to the above submissions and assessee had not at all complied to the notices and assessment was completed u/s 147/144 of the Act.

5. Considered the rival submission and material placed on record. We observed that no doubt initially the assessee had not complied to the notices however, subsequently filed the relevant information during the assessment proceedings and the same was accepted and proceeded to

complete the assessment. Therefore, we are inclined to delete the above penalty. Hence the appeal filed by the assessee is allowed.

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

***Order pronounced in the open court on 19.02.2026***  
***Sd/-***

**(S. RIFAUR RAHMAN)**  
**ACCOUNTANT MEMBER**

Dated 19.02.2026

\*Ganesh Kumar, Sr. PS

Copy forwarded to:

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

Asst. Registrar, ITAT, Agra