

**IN THE INCOME TAX APPELLATE TRIBUNAL  
DEHRADUN CIRCUIT BENCH: DEHRADUN**

**BEFORE SHRI MAHAVIR SINGH, VICE PRESIDENT &  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**ITA No. 267/DDN/2025  
[Assessment Year : 2017-18]**

Mohamad Salim Khan Pathanpura Roorkee, Dist.Haridwar-247663. <b>PAN-ADUPK3527D</b>	vs	Union of India/CIT(A)/ITO Roorkee
<b>APPELLANT</b>		<b>RESPONDENT</b>
<b>Appellant by</b>	None	
<b>Respondent by</b>	Ms.Poonam Sharma, CIT DR	
<b>Date of Hearing</b>	09.03.2026	
<b>Date of Pronouncement</b>	09.03.2026	

**ORDER**

**PER MANISH AGARWAL, AM :**

The present appeal is filed by assessee against the order dated 23.10.2025 passed by Ld. Commissioner of Income Tax (A), NFAC, Delhi ["Ld.CIT(A)"] u/s 250 of the Income Tax Act, 1961 ["the Act"] arising out of penalty order dated 09.05.2022 passed u/s 271D of the Act pertaining to Assessment Year 2017-18.

2. At the time of hearing, no one attended the proceedings on behalf of the assessee. Therefore, the appeal is adjudicated after considering the arguments of Ld. CIT DR and material available on record.

3. Heard the contention of Ld. CIT DR and perused the material available on record. The penalty is levied u/s 271D of the Act as the assessee has received cash of the sale consideration from the sale of immovable properties from various persons as tabulated in the penalty order. Before the lower authorities, it was claimed by the assessee that cash was received advance way back in FYs 2006-07 to 2008-09 and only registration of the sale deed have taken place during the year under appeal. For this, copies of certain Sale Deeds were placed in the Paper Book filed. After perusing the same, we find that none of the deed submitted before us, is registered rather they were executed on plain papers and were not even signed by either of the parties. Therefore, their authenticity remained unverified.

4. In view of these facts, we restore the matter back to the file of AO for making verification of the contention of the assessee from the registered Sale Deeds and if it is found that advances received as claimed in FYs 2006-07 to 2008-09 and the same found recorded in the registered Sale Deed, no penalty be levied u/s 271D of the Act and if it is found that the payments were received as advances prior to registration of the Sale Deed, the penalty levied u/s 71D is hereby, sustained. In case, the cash was received at the time of execution of Sale Deeds, the same would not fall in the category of advance payment and to the extent of such amount, no penalty u/s 271D of the Act be levied. With these directions, appeal filed by the assessee is allowed for statistical purposes.

5. In the result, the appeal of the assessee is allowed for statistical purposes.

Order pronounced in the open Court on 09.03.2026.

**Sd/-**

**(MAHAVIR SINGH)  
VICE PRESIDENT**

**Sd/-**

**(MANISH AGARWAL)  
ACCOUNTANT MEMBER**

**Date-10.03.2026**

*\*Amit Kumar, Sr.P.S\**

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(Appeals)
5. DR: ITAT
6. Guard File

Sr.P.S/ASSISTANT REGISTRAR  
ITAT, NEW DELHI  
(Dehradun Circuit Bench, Dehradun)