

**IN THE INCOME TAX APPELLATE TRIBUNAL DELHI  
DELHI BENCH 'C': NEW DELHI**

**BEFORE YOGESH KUMAR U.S., JUDICIAL MEMBER  
AND  
SHRI MANISH AGARWAL, ACCOUNTANT MEMBER**

**ITA No.7171/Del/2025 (A.Y 2018-19)**

Amit Kumar 1-203, Swami Dayanand Colony, Kishan Ganj, Delhi <b>PAN: ASYPK1229P</b>		Vs	ITO Ward 51(1), Civic Centre, Jhandewalan Marg, Delhi
<b>Appellant</b>			<b>Respondent</b>
Assessee by	Sh. Achin Garg, Adv & Sh. Sachin Kumar, FCA		
Revenue by	Sh. Rajesh Mahajan, Sr. DR		
Date of Hearing	02/03/2026		
Date of Pronouncement	15/04/2026		

**ORDER**

**PER YOGESH KUMAR, U.S. JM:**

The present appeal is filed by the Assessee against the order of Ld. Commissioner of Income Tax (Appeals/ National Faceless Appeal Centre ('Ld. CIT(A)/NFAC' for short), New Delhi dated 24/09/2025 for the Assessment Year 2018-19.

2. Brief facts of the case are that, an order of penalty came to be passed under Section 272A(1)(d) of the Income Tax Act, 1961 ('Act' for short) by imposing penalty of Rs. 10,000/- on the Assessee. Aggrieved by the order of penalty dated 27/07/2023, Assessee preferred an Appeal before the Ld. CIT(A). The Ld. CIT(A) vide order dated 24/09/2025, dismissed the Appeal filed by the Assessee. Aggrieved by

the order of the Ld. CIT(A) dated 24/09/2025, Assessee preferred the captioned Appeal.

3. The Ld. Counsel for the Assessee submitted that in quantum Appeal filed before the Tribunal, the matter has been remanded to the file of the A.O., therefore, the order of penalty passed by A.O. and the present impugned order of the Ld. CIT(A) is liable to be set aside. The Ld. Counsel has relied on following decisions in support of his contention

- i. Rajesh Mehta Vs. ITO, ITA No. 6121/Del/2024 decided on 06.05.2025 (ITAT Delhi).
- ii. R. K. Rana Vs. ACIT, ITA No. 178, 179, 180/PAT/2017 decided on 09.03.2018 (ITAT Patna).

4. Per contra, the Ld. Departmental Representative submitted that the penalty has been imposed for non-compliance of the notice, therefore, the outcome of the quantum proceedings will not have any impact on the order of penalty, thus sought for dismissal of the Appeal.

5. We have heard both the parties and perused the material available on record. It is a matter of record that the Co-ordinate Bench of the Tribunal in quantum proceedings restored the issue to the file of the A.O. for framing de-novo assessment. The present proceedings before us emerges out of penalty proceedings initiated under Section 272A (1)(d) of the Act. The Co-ordinate Bench of the Tribunal in the case of Rajesh

Mehta (supra) vide order dated 06/05/2025 in similar circumstances, deleted the penalty by allowing the appeal of the Assessee therein in following manners:-

*“5. We have heard the rival submissions and have perused the relevant material on record. We find that the Assessing Officer has levied penalty for non-compliance of notice u/s 142(1). We also find that the quantum proceedings, in the meanwhile, has been set aside by the CIT(A) to the Assessing Officer for fresh consideration. We find in identical facts, the ITAT in the case of R.K. Rana Vs. ACIT [supra] has deleted the penalty, inter alia, holding that where the entire quantum proceedings are set aside for fresh adjudication “Whatever default was there for noncompliance, in the course of assessment proceedings, stands relegated back, because the matter has to be decided afresh in the remand proceedings.” 6. In view of the above facts and circumstances, and following the decision of the co-ordinate bench, we delete the impugned penalty.”*

6. In view of the above facts and circumstances, following the decision of the Co-ordinate Bench of the Tribunal (supra), we delete the impugned order of the penalty and the order of the Ld. CIT(A).

7. In the result, Appeal of the Assessee is allowed.

**Order pronounced in the open court on 15<sup>th</sup> April, 2026**

Sd/-

**(MANISH AGARWAL)  
ACCOUNTANT MEMBER**

Date:- 15 .04.2026

Reshma Naheed, Sr.P.S

Copy forwarded to:

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

Sd/-

**(YOGESH KUMAR U.S.)  
JUDICIAL MEMBER**

ASSISTANT REGISTRAR  
ITAT, NEW DELHI

