
(2001) 07 P&H CK 0200

High Court Of Punjab And Haryana At Chandigarh

Case No: IT Appeal No. 192 of 1999

Commissioner of Income Tax

APPELLANT

Vs

Smt. Anita Arora

RESPONDENT

Date of Decision: July 5, 2001

Acts Referred:

- Income Tax Act, 1961 - Section 256(2), 260A, 271(1)(c)

Citation: (2001) 119 TAXMAN 10

Hon'ble Judges: Jawahar Lal Gupta, J; Ashutosh Mohunta, J

Bench: Division Bench

Advocate: R.P. Sawhney and Rajesh Bindal, for the Appellant; A.K. Mittal, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Jawahar Lal Gupta, J.

The revenue has filed this appeal u/s 260A of the income tax Act, 1961 ("the Act"). It challenges the order dated 22-6-1999 passed by the Tribunal in respect of the assessment year 1984-85. The following question has been posed for the consideration of this Court :

Whether, on the facts and in the circumstances of the case, the Tribunal is right in law in upholding the order of the Commissioner (Appeals) cancelling the penalty levied u/s 271(1)(c) by stating that the addition in respect of which the penalty has been levied stood deleted while the reference u/s 256(2) against the deletion of addition is pending before the High Court ?

Mr. Sawhney, the learned counsel for the revenue, very fairly states that the appeal filed by the assessee was accepted by the Tribunal and that the reference petition filed by the department was dismissed. The order of the Tribunal was affirmed by

the High Court. These appeals admittedly related to the amount of taxable income.

2. Once the claim of the assessee with regard to the income has been accepted, the order regarding penalty proceedings cannot be sustained. Resultantly, Mr. Sawhney states that this appeal has to be dismissed in view of the events which have taken place subsequent to the passing of the order. Mr. Sawhney has also pointed out that a similar matter has already been decided by a Bench of this Court in income tax Appeal No. 191 of 1999 by its order dated 2-11-2000. In view of the above, the appeal is dismissed. No costs.