

## Commissioner of Income Tax Vs Smt. Anita Arora

**Court:** High Court Of Punjab And Haryana At Chandigarh

**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.