IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 378 OF 2013

The Commissioner of Income Tax-V ..Appellant

Vs.

Prima Paper and Engg. Pvt. Ltd. ..Respondent

....

Mr. Tejveer Singh, Advocate for Appellant.
Mr. Saujukta Choudhary, Advocate i/b P.K.P Legal Solution for Respondent.

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CORAM : M.S. SANKLECHA &
G.S. KULKARNI, JJ.
DATED : 18 FEBRUARY 2015

P.C.:

1. This appeal under Section 260-A of the Income Tax Act, 1961 (the 'Act') challenges the order dated 29 November 2011 passed by the Income Tax Appellate Tribunal (the 'Tribunal'). The impugned order disposes of penalty proceedings initiated against the respondent-assessee for the Assessment Year 2000-01 to 2003-04.

2. The question proposed for our consideration reads as under:

> *"Whether on the facts and in the circumstances of the case and in law the ITAT was justified in deleting the penalty u/s 271 (1)(c) of the Income Tax Act, 1961?"*

3. The Counsel for the appellant states that the appeal of the revenue is covered against the revenue by order dated 12 December 2014 passed in revenue's appeal bearing No. 1644/2012 filed against the impugned order in respect of penalty imposed for the Assessment Year 2000-01.

4. In view of the fact that it is an agreed position that the issue arising in this appeal stands covered against the revenue by the order of this Court, no substantial question of law arises from our consideration. Hence Appeal is dismissed. No order as to costs.

[G.S. KULKARNI, J] **[M.S. SANKLECHA, J.]**