HON'BLE SRI JUSTICE G.CHANDRAIAH

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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

I.T.T.A. No.235 of 2015

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JUDGMENT:- (per Hon'ble Sri Justice Challa Kodanda Ram)

This Appeal is filed by the Revenue under Section 260-A of the Income Tax Act, 1961 (for short, "the Act"), questioning the order dated 20.08.2014, passed by the Income Tax Appellate Tribunal, Hyderabad Bench 'B', Hyderabad, in I.T.A. No.628/Hyd/2014, for the assessment year 2008-2009, raising the following questions of law for consideration of this Court:

i. Whether on the facts and in the circumstances of the case and in law, the Hon'ble Income Tax Appellate Tribunal is justified in holding that the transactions through journal entry do not attract the provisions of Section 269SS and consequently penalty is not leviable u/s.271D of the I.T. Act, 1961?

ii. Whether Income Tax Appellate Tribunal is justified in holding that the assessee has accepted the loan only by journal entries, though in fact the loan was accepted by the assessee, as it was paid in cash to the seller of the property on behalf of assessee at assessee's instance only?

When the matter is taken up for hearing, the learned Senior Standing Counsel for the Department has fairly submitted that the issue involved in this matter is squarely covered by the order dated 02.07.2015 passed in I.T.T.A.No.66 of 2015, wherein this Court, while dismissing the said appeal took into consideration of the judgment dated 31.01.2014 passed by a Division Bench of this Court in I.T.T.A.No.12 of 2014.

In view of the same, we are of the opinion that the same result in I.T.T.A.No.66 of 2015 would follow in the present I.T.T.A.

Accordingly, the questions of law raised in the present appeal are answered in the affirmative i.e., in favour of the assessee and against the Revenue.

A copy of the order dated 02.07.2015 passed by this Court in I.T.T.A. No.66 of 2015 be tagged on with this order.

Accordingly, this Appeal is dismissed. No order as to costs. Miscellaneous Petitions, if any pending, shall also stand dismissed.

G. CHANDRAIAH, J

CHALLA KODANDA RAM, J

Date:08.10.2015

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