IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITA-110-2015 (O&M)
Date of decision:- 25.05.2015

The Principal Commissioner of Income Tax-2, Chandigarh

...Appellant

Versus

Harish Goyal

...Respondent

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Ms. Urvashi Dhugga, Advocate,
for the appellant.

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S.J. VAZIFDAR, A.C.J. (ORAL)

This is an appeal against the order of the Tribunal dated 17.10.2014 upholding the decision of the CIT (Appeals) setting aside the penalty levied by the Assessing Officer.

2. We must proceed on the basis that the respondent/assessee wrongly claimed rebate under Section 88 E of the Income Tax Act, 1961 in respect of the assessment year 2007-2008. The respondent added the income from the share trading in his other total income and claimed the benefit of rebate to the extent of the security transaction tax.

3. We see no reason to interfere with the concurrent findings of the CIT (Appeals) and the Tribunal that the erroneous claim was on account of the return filed on behalf of the respondent by his consultant. They have decided not to visit the assessee with the drastic consequences of a penalty on account of the accountant's default. In these circumstances, no question of law arises.

4. The appeal is, therefore, dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(G.S. SANDHAWALIA)
JUDGE

25.05.2015
Amodh