THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

I.T.T.A.No. 649 OF 2017

DATED 08TH NOVEMBER, 2017

Between:

The Commissioner of Income Tax (Central),
Hyderabad … Appellant

AND

Smt. G.Venkata Lakshmi … Respondent

Counsel for the appellant : Sri J.V.Prasad

Counsel for the respondent : --

THE COURT MADE THE FOLLOWING

<u>JUDGMENT:</u> (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The assessee's appeal filed before the Commissioner of Income Tax (Appeals) – I, Hyderabad, questioning the levying of penalty, under Section 271 (D) of the Income Tax Act, 1961, based on journal entry, was allowed. The said order was confirmed by the Income Tax Appellate Tribunal, Hyderabad "A" Bench, Hyderabad (for short, 'the Tribunal'), which is assailed in this appeal.

2. The Tribunal relied upon its earlier order in the assessee's own cases for the assessment year 2005-06 in I.T.A.No. 1135/Hyd/2012 dated 09-11-2012 and for the assessment year 2003-04 in I.T.A.No. 394/Hyd/2013.

3. At the hearing, Smt. M.Kiranmayee, learned counsel, representing Sri J.V.Prasad, learned senior standing counsel for Income Tax Department, has placed before us a copy of order dated 31-01-2014 in I.T.T.A.No. 12 of 2014 filed against I.T.A.No. 394/Hyd/2013 for the assessment year 2003-04. By the said order, a Division Bench of this Court confirmed the order of the Tribunal.

4. Inasmuch as the order under the instant appeal is passed based on the previous order of the Tribunal, which was confirmed by the Division Bench in the aforementioned appeal, for the same reasons as contained in the order in I.T.T.A.No. 12 of 2014, this appeal is also dismissed.

C.V.NAGARJUNA REDDY, J.

Date: 08-11-20-17.

CHALLA KODANDA RAM, J.

JSK