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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 273/2017**

PR. COMMISSIONER OF INCOME TAX-6, NEW DELHI
..... Appellant

Through: Mr. Asheesh Jain, Senior Standing Counsel with Mr. Vikrant A. Maheshwari, Advocate

versus

M.S. SHOES EAST LTD. ..... Respondent

Through: None

CORAM: JUSTICE S.MURALIDHAR
JUSTICE CHANDER SHEKHAR

<u>O R D E R</u>

% **09.05.2017**

1. This is a penalty appeal by the Revenue under Section 260A of the Income Tax Act, 1961 ('Act') against an order dated 20th September, 2016 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No. 946/Del/2013 for the Assessment Year ('AY') 2001-02.

2. Against the order of the Commissioner of Income Tax (Appeal) affirming the penalty imposed by the Assessing Officer, the Assessee went before the ITAT, which, by the impugned order, deleted the penalty.

3. What weighed with the ITAT was that there was no actual concealment of income or furnishing of inaccurate particulars of income by the Assessee. The Assessee was found to have made a few claims which are found not allowable. That, by itself, could not lead to an inference as regards the

concealment of income. The view taken by the ITAT based on the decision of the Supreme Court in ***Commissioner of Income-tax, Ahmedabad v. Reliance Petroproducts P. Ltd. [2010] 322 ITR 158 (SC)*** is a plausible view to be taken.

4. No substantial question of law arises. The appeal is dismissed.

S.MURALIDHAR, J

CHANDER SHEKHAR, J

MAY 09, 2017
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