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

\+ ITA 514/2018 & CM APPL. 17462/2018

PRINCIPAL COMMISSIONER OF INCOME TAX (CENTRAL)-3,

..... Appellant

Through: Mr. Rahul Chaudhary and Ms. Vibhooti Malhotra, Advocates.

versus

M/S NKG INFRASTRUCTURE LTD. ..... Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE A. K. CHAWLA

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

% **01.05.2018**

The question of law urged by the Revenue in this case i.e. applicability of the levy of penalty under Section 271(1)(c) of the Income Tax Act, 1961 (hereinafter 'the Act'), in the opinion of the Court, does not arise. What is immediately noticeable is that for the same assessment year (i.e. relatable to the financial year in which search proceedings took place) proceedings under Section 271-AAA of the Act too were initiated culminating in the levy of penalty, which is the subject matter of ITA No.517/2018. In these circumstances, there cannot be any levy under Section 271(1)(c) of the Act given the bar enacted by Section 271-AAA(3) of the Act. The question of law therefore does not arise.

The appeal is accordingly dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

MAY 01, 2018

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