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

\+ ITA 164/2018

THE PR. COMMISSIONER OF INCOME TAX -6
..... Appellant

Through: Mr. Ruchir Bhatia, Sr. Standing Counsel for Revenue.

versus

MMTC LTD. ..... Respondent

Through: Mrs. Kavita Jha with Mr. Vaibhav Kulkarni, Advs.

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

O R D E R

% **12.02.2018**

The question of law urged in this case is whether the direction to delete the penalty imposed under Section 271G of the Income Tax Act, 1961 (hereafter referred to as "the Act") – by the AO was justified.

The facts are that in compliance with Section 92D(3) of the Act, the assessee had to furnish the necessary documentation in support of its Transfer Pricing Report. Within the time given, the assessee was unable to fully comply (notice was issued on 12.07.2011 in this regard for which the part compliance was made on 16.08.2011 and the balance documentation, furnished on 14.10.2011). The penalty imposed by the AO i.e. ₹46,82,26,000/- was deleted by the CIT(A) who followed the Division Bench ruling of this Court in *Commissioner of Income Tax v. Leroy Somer and Controls India Pvt. Ltd.* (2014) 360 ITR 532. The Revenue's appeal, too, was dismissed and the CIT(A)'s, decision upheld.

The Court has considered the material circumstances and is of the opinion that since the lower appellate authorities have rendered concurrent findings and, moreover, given that assessee had partly complied with the notice, no error of law or substantial question of law has been made out. The appeal is, accordingly, dismissed.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

FEBRUARY 12, 2018
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