IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.165 OF 2017

Pr.Commissioner of Income-Tax-1 … Appellant

V/s.

M/s Killick Nixon Ltd. … Respondent

Mr.Suresh Kumar for the Appellant.

CORAM : AKIL KURESHI AND
SARANG V.KOTWAL, JJ.
DATE : MARCH 12, 2019.

P.C.:-

1. Revenue has filed this appeal against the judgment of the Income Tax Appellate Tribunal raising following question for our consideration:-

> "Whether on the facts and circumstances of the case and in law, the ITAT was justified in deleting the penalty levied under Section 271(1)(C) of the Act?"

2. The issue pertains to penalty imposed by the Assessing Officer against the respondent-assessee which was deleted by the

Tribunal. The record would suggest that the income of the assessee was assessed under MAT provisions. The Tribunal relied on the decision of the Delhi High Court in case of **CIT Vs. Nalwa Sons Investments Ltd.**[1] and the Board Circular dated 31st December, 2015 to delete the penalty accepting the view of the Delhi High Court in case of **Nalwa Sons Investments Ltd**.

3. Under the circumstances, we find no question of law arisen. Appeal is dismissed.

(SARANG V.KOTWAL,J.) **(AKIL KURESHI,J.)**

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1 (2010) 327 ITR 543 (Del)