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

INCOME TAX APPEAL NO.225 OF 2017

Principal Commissioner of Income Tax,
Central - 2 .... Appellant

versus

Umesh Ishrani ... Respondent

…....

- Mr.Suresh Kumar, Advocate for Appellant.
- None for Respondent.

CORAM : AKIL KURESHI &
SARANG V. KOTWAL, JJ.
DATE : 30th APRIL, 2019.

P.C. :

1. This Appeal is filed by the revenue to challenge the judgment of Income Tax Appellate Tribunal. Following question is presented for our consideration;

> *"Whether on the facts and in the circumstances of the case and in law, the Hon'ble ITAT was justified in deleting the penalty imposed u/s. 271(1)(c) of the I T Act, 1961, ignoring the fact that the assessee had undoubtedly made such unaccounted cash payments for*

purchase of shops and therefore the AO was fully justified in imposing penalty u/s. 271(1)(c) of the Income Tax Act, 1961 in respect of such undisclosed income?"

2. The issue pertains to penalty deleted by Income Tax Appellate Tribunal under section 271 (1)(c) of the Income Tax Act, 1961.

3. In a separate order passed today in Income Tax Appeal No.219/17, we have confirmed the Tribunal's judgment deleting quantum addition. In view of this matter, this penalty Appeal is also dismissed.

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