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

\+ ITA 445/2019

PR. COMMISSIONER OF INCOME TAX ..... Appellant

Through: Mr. Raghvendra Singh and Mr. Vipul Agrawal, Advocates.

versus

PUNJAB NATIONAL BANK ..... Respondent

Through: Mr. S. Krishnan and Mr. K. Prasanna, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **01.10.2019**

C.M. No. 20914/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

ITA 445/2019 and C.M. No. 20913/2019

The Revenue has preferred the present appeal to assail the order dated 14.08.2018 passed by the Income Tax Appellate Tribunal Delhi Bench: 'F', New Delhi in ITA No. 6596/Del/2016 preferred by the Revenue in relation to the assessment year 2010-11. The said appeal had been preferred by the Revenue to assail the order dated 28.10.2016 passed by the CIT (A), whereby the CIT (A) has set aside the penalty imposed upon the respondent assessee under Section 271(1)(c) of the Act while observing that the

Assessing Officer had not been able to establish either any concealment of material fact, or furnishing of inaccurate particulars by the assessee and the Tribunal has affirmed the said finding of the learned CIT (A). The order passed by the learned Assessing Officer in the relevant proceedings does not disclose as to what is the concealment of material fact, or furnishing of inaccurate particulars in respect whereof the penalty is sought to be imposed on the assessee. Merely because additions made by the Assessing Officer have been partially upheld by the CIT (A), would not confer the ground to initiate proceedings under Section 271(1)(c) of the Act of imposition of penalty, unless it is found that there is concealment of material facts, or furnishing of inaccurate particulars.

We do not find any question of law arising in the present case since the entire issue is factual. Dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

OCTOBER 01, 2019
B.S.Rohella