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

\+ **ITA 722/2019**

THE COMMISSIONER OF INCOME TAX - INTERNATIONAL TAXATION -1 ..... Appellant

Through: Mr.Ruchir Bhatia, Senior Standing Counsel for the Revenue.

versus

ADIDAS SOURCING LTD. ..... Respondent

Through: None.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

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

% **05.08.2019**

1. This is a penalty appeal by the Revenue against an order dated 29th January, 2019 passed by the Income Tax Appellate Tribunal ('ITAT') in ITA No. 2668/Del/2015 for the Assessment Year (AY) 2007-08.

2. The question sought to be urged is whether the ITAT was right in deleting the penalty imposed on the Respondent for the AY in question?

3. It is seen that although the Assessee did not offer certain amounts to tax at the time of filing the original return and sought to claim it in the revised return, the Assessee during the course of the assessment proceedings offered those

amounts to tax and the assessment was completed accordingly. It has been concurrently held by the Commissioner of Income Tax (Appeals) ['CIT (A)'] as well as the ITAT that the issues on which the amounts were offered to tax were debatable ones and therefore there was no occasion to levy a penalty under Section 271(1)(c) of the Act.

4. With the findings of the CIT (A) as well as the ITAT being concurrent, this Court is not inclined to interfere.

5. No substantial question of law arises. The appeal is dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

AUGUST 05, 2019
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