R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

INCOME TAX APPEAL NO. 1771 OF 2017

Commissioner of Income Tax - LTU .. Appellant

Versus

M/s. Reliance Industries Ltd .. Respondent

....

- Mr. Tejveer Singh for the Appellant
- Mr. J.D. Mistri, Sr. Advocate a/w P.C. Tripathi i/by Raj Darak for the Respondent

....

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.

DATE : FEBRUARY 4, 2020.

P.C.:

1. Heard Mr. Singh, learned standing counsel, revenue for the appellant and Mr. Mistri, learned senior counsel for the respondent - assessee.

2. This appeal under Section 260A of the Income Tax Act, 1961 (**"the Act"** for short) is preferred by the revenue against the order dated 16.8.2016 passed by the Income Tax Appellate Tribunal, Mumbai "H" Bench, Mumbai (**"Tribunal"** for short) in Income Tax Appeal No. 6485/Mum/2014 for the assessment year 2006-07.

3. The appeal has been preferred projecting the following question as substantial question of law:-

> "Whether on the facts and in the circumstances of the case and in law, the Tribunal is right in deleting penalty of Rs. 1,14,42,717.00 levied u/S. 271(1)(c) of the Act on account of bogus professional fees paid to Shri. S.K. Gupta?"

4. From the above, it is evident that the issue involved in the present appeal is deletion by the Tribunal of the penalty imposed on the respondent - assessee by the Assessing Officer under Section 271(1)(c) of the Act.

5. At the outset, Mr. Singh fairly submits that in the quantum appeal being Income Tax Appeal No. 1056 of 2016, this Court by order dated 30.1.2019 had dismissed the appeal filed by the revenue upholding the order passed by the Tribunal.

6. Be it stated that Tribunal had deleted the addition made by the Assessing Officer. It may also be stated that penalty was imposed following addition made by the Assessing Officer. Imposition of penalty by the Assessing Officer was interfered in appeal against which the present appeal arises.

7. In view of the fact that quantum appeal by the revenue has been dismissed by this Court, the very foundation for sustaining the present appeal no longer survives.

8. Consequently, this appeal is dismissed. However, there shall be no order as to cost.

[MILIND N. JADHAV, J.] **[UJJAL BHUYAN, J.]**

Ravindra M. Amberkar

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