

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.A. No. 118 of 2009 (O&M)

DATE OF DECISION: 24.8.2009

Commissioner of Income-tax, Jalandhar-I, JalandharAppellant

Versus

M/s Indersons Leather (P) Ltd., A-6 Sport and SurgicalRespondent
Complex, Jalandhar.

**CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present:- Mr. Vivek Sethi, Advocate
for the appellant.

ADARSH KUMAR GOEL, J. (Oral)

1. The revenue has preferred this appeal under Section 260-A of the Income Tax Act, 1961 (for short, "the Act") against the order of Income Tax Appellate Tribunal, Amritsar Bench, Amritsar dated 12.9.2008 passed in ITA No. 50(ASR)/2008 for the assessment year 2001-02, proposing to raise following substantial question of law:-

"Whether on the facts and circumstances of the case (having furnishing of inaccurate particulars of income established) the ITAT was right in law in deleting the penalty imposed under section 271(1)(c) of the Income Tax Act, 1961?"

2. The assessee made a claim declaring his income as business income while the Assessing Officer held the same to be income from house property, which view has been upheld by the Tribunal. The Assessing

Officer also levied penalty under Section 271(1)(c), which was upheld by the CIT(A). The Tribunal, however, held that the assessee was not guilty of any concealment or giving inaccurate particulars and had raised a debatable issue. In such a situation, penalty was deleted.

3. We have heard learned counsel for the revenue.

4. In view of the finding of the Tribunal that assessee had not concealed income nor furnished inaccurate particulars and had merely raised a debatable issue, we are unable to hold that any substantial question of law arises.

5. The appeal is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

August 24, 2009
pooja

(DAYA CHAUDHARY)
JUDGE

Note:-Whether this case is to be referred to the ReporterYes/No