

IN THE INCOME TAX APPELLATE TRIBUNAL
DELHI BENCHES "D": DELHI

BEFORE SHRI BHAVNESH SAINI, JUDICIAL MEMBER
AND
SHRI B.R.R. KUMAR, ACCOUNTANT MEMBER

ITA.No.2571/Del./2016
Assessment Year 2003-2004

Smt. Abha Gupta, 292, Tagore Park Extn. Model Town-I, Delhi – 110 009. PAN AAOPG8309G	vs.,	The Income Tax Officer, Ward – 20 (4), New Delhi.
(Appellant)		(Respondent)

For Assessee :	-None-
For Revenue :	Shri Deepak Garg, Sr. D.R.

Date of Hearing :	16.10.2019
Date of Pronouncement :	16.10.2019

ORDER

PER BHAVNESH SAINI, J.M.

This appeal by Assessee has been directed against the Order of the Ld. CIT(A)-34, New Delhi, Dated 25.02.2016 for the A.Y. 2003-2004, challenging the levy of penalty under section 271(1)(c) of the I.T. Act, 1961.

2. Briefly the facts of the case are that in this case assessment was completed under section 144/148 of IT Act

on Dated 31.12.2010 at an income of Rs.23,14,186/- against returned income of Rs.1,65,219/-. Penalty proceedings were initiated during the course of assessment proceedings. The brief facts leading to the initiation of penalty proceedings are that there was a search and seizure operations under section 132 of I.T.Act conducted on 15.12.2004 in Brij Mohan Gupta group of cases, during the course of which, certain documents and books of account were seized. Perusal of these documents revealed that the assessee is grand daughter of Shri Brij Mohan Gupta, had advanced cash loan to the tune of Rs.31 lakhs on different occasions, peak of which was calculated at Rs.20 lakhs and had earned interest thereon to the tune of Rs.1,48,967/-. After conducting detailed investigation, the A.O. considered the peak amount of Rs.20 lakhs and interest thereon at Rs.1,48,967/- as income of the assessee from undisclosed sources and accordingly added to her total income. The A.O. initiated penalty proceedings under section 271(l)(c) of I.T. Act for concealment of income. The assessee preferred an appeal before the Ld. CIT(A) and the Ld. CIT(A) dismissed

the appeal of assessee thereby confirming the action of the A.O. treating the total amount of Rs.21,48,967/- [Rs.20,00,000/- + Rs.1,48,967/-] as assessee's income from undisclosed sources. The A.O. issued show cause notice as to why penalty should not be levied for concealment of income on the above addition. The assessee did not appear nor filed any reply. The A.O. in the absence of any response from the side of the assessee despite giving an opportunity of being heard, levied the penalty vide Order Dated 09.05.2014. The Ld. CIT(A) dismissed the appeal of assessee.

3. The assessee has been notified the date of hearing through registered post for 04.06.2019, 20.08.2019 and 16.10.2019. The registered cover did not returned back. The assessee did not make any response to any of the notices.

4. The Ld. D.R. relied upon the Orders of the authorities below.

5. After considering the facts of the case in the light of submissions of the Ld. D.R, we are of the view that no interference is required in the matter. It is an admitted fact that seized documents were found relating to assessee and that entries of seized documents were not disclosed by the assessee in the return of income. In case, the case would not be reopened, assessee would not have disclosed the amount in question. Since in this case there is a specific documentary evidence found during the course of search proceedings which clearly shows that assessee has not disclosed the entries of the cash loan and interest to the Revenue Department, therefore, it is a fit case for levy of the penalty. No interference is called for in the matter. Appeal of assessee stands dismissed.

6. In the result, appeal of Assessee dismissed.

Order pronounced in the open Court.

Sd/-
(B.R.R. KUMAR)
ACCOUNTANT MEMBER

Sd/-
(BHAVNESH SAINI)
JUDICIAL MEMBER

Delhi, Dated 16th October, 2019

VBP/-

Copy to

1.	The appellant
2.	The respondent
3.	CIT(A) concerned
4.	CIT concerned
5.	D.R. ITAT "D" Bench
6.	Guard File

// BY Order //

Asst. Registrar : ITAT Delhi Benches :
Delhi.