

IT Appeal No. 12 of 2017

19.4.2017 Present Mr. Ajay Vaidya, Advocate, for the appellant.
Mr. Vinay Kuthiala, Senior Advocate with Mr. Virender Sharma, Advocate, for the respondent.

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Admitted on following substantial questions of law:

(i) Whether the order of the ITAT, upholding the levy of penalty under Section 271(1)(c) to the extent mentioned therein, is not vitiated in law by non-consideration of material and information that was available on record as also the applicability of relevant provisions of law?

(ii) Whether the Tribunal was legally justified, on the facts and circumstances of the case, particularly that; (a) full facts relating to the claims made by the assessee had been disclosed; (b) no inaccuracy or falsity in such claims was attributable to the assessee; and (c) bonafide of the assessee in making such claims was not in dispute?

(iii) Whether on the facts and in the circumstances of the case, the order passed by the learned Tribunal is bad, illegal and perverse in the eye of law and in the facts of the case?

Issue post admission notice. Mr. Virender Sharma, Advocate, waives notice on behalf of the respondent.

List for hearing on **26.7.2017**.

OMP No. 128 of 2017

Operation of the impugned order is stayed by providing that entire amount shall be deposited before the authority concerned, which shall be subject to the outcome of the appeal. At this stage, learned counsel for the appellant stated at Bar that 50% of the amount stands already deposited before the authority concerned and balance of the amount shall be deposited within six weeks. Application is disposed of.

Copy dasti.

(Mansoor Ahmad Mir)
Chief Justice

(Sandeep Sharma)
Judge

April 19, 2017
(CM/Vikrant)