(2025) 07 CHH CK 0429

In the Chhattisgarh High Court

Case No : TAXC No. 135 of 2025

Katik Ram Kurrey APPELLANT

Vs

Income Tax Officer RESPONDENT

Date of Decision : 29-07-2025

Acts Referred:
Income Tax Act, 1961 — Section 260(A), 282

Citation : (2025) 07 CHH CK 0429

Hon'ble Judges : Sanjay K. Agrawal, J;Sachin Singh Rajput, J

Bench : Division Bench

Advocate : Manoj Kumar Sinha, Ajay Kumrani, Amit Choudhari

Final Decision : Disposed Of

Judgement

Sanjay K. Agrawal, J

1. This tax appeal, preferred under Section 260-A of the Income Tax Act, 1961 (for short the "Act of 1961") was admitted for hearing on the following substantial question of law formulated by order of this Court dated 01.07.2025:-

"Whether on the facts and circumstances of the case, the ITAT was justified in upholding the order passed by the CIT (Appeals) confirming ex-parte penalty order without following the principles of natural justice and ignoring the provision of Section 282 of the Income Tax Act, 1961 read with Rule 127 of the Income Tax Rules, 1962 which provide the procedure for service of notices and orders ?"

2. Since the subject order of penalty has been passed on the basis of assessment order dated 15.11.2018, which was subject matter of challenge in TAXC-134-2025, between the same party and, this Court has set aside the said order of assessment dt. 15.11.2018 totally and remitted matter to the Assessing Officer concerned for considering the matter afresh after providing due opportunity of hearing to the appellant/assessee as well as to the respondent-revenue and passing of fresh order of assessment in accordance with law expeditiously, therefore, we consider it appropriate to set aside in the impugned

penalty order also in light of the order passed by this Court in TAXC-134-2025 dt. 29.07.2025. However, it goes without saying that liberty is reserved in favour of the assessing officer to pass fresh order afresh, if required/necessary at appropriate stage.

3. In that view of the matter, the present tax case also stands disposed of.

