

34 to 36
% 18.12.2009



Present : Ms. Rashmi Chopra, Adv. for the Appellant in
ITA 744/2007.
Mr. N.P. Sahni, Adv. for the Appellant in
ITA 821/2007 and ITA 956/2007.
Ms. Mahima Agrawal, Adv. for the Respondent.

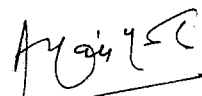
(Common Order)

+ ITA No. 744/2007
ITA No. 821/2007
ITA No. 956/2007

* We find that no satisfaction was recorded by the Assessing Officer while initiating the penalty proceedings. Even there is an amendment in the provision of Section 271 of the Income Tax Act by Finance Act of 2008 w.e.f. 1st April, 1989. That provision has been interpreted by this Court in *Madhushree Gupta vs. Union of India (UOI) and Anr., 317 ITR 107*, holding that the satisfaction should be discerned from the reading of the order. As no such exercise was undertaken by the Assessing Officer which is clear from the reading of the assessment order, the penalty was rightly quashed.

No question of law arises.

Dismissed.


A.K. SIKRI, J.


SIDDHARTH MRIDUL, J.

DECEMBER 18, 2009/mk