



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **Writ Petition (Civil) No.14320/2006**

% **Date of Decision:** September 02, 2011

CLASSIC PAPERS CONVETERS P.LTD. Petitioner
Through Mr. R.N. Mehta and Mr. Sunil
Goyal, Advocates.

versus

COMMISSIONER OF INCOME TAX I DELHI Respondent
Through Mr. Sanjeev Sabharwal, Advocate.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

Heard Mr. R.N. Mehta, learned counsel for the assessee-petitioner and Mr. Sanjeev Sabharwal, learned counsel for the Revenue.

The singular issue that arises for consideration in this writ petition is whether the application of the petitioner preferred under Section 273A of the Income Tax Act, 1961 (Act, for short) for waiver of penalty has been correctly rejected or not. On a perusal of the material brought on record and the order passed by the Commissioner of Income Tax, it is perceptible that the petitioner, a private limited company, whose only income is from sub-letting of premises, faced with penalty proceedings

WP(C) 14320/2006 Page 1 of 2



under Section 271 (1) (c) of the Act and eventually that attained fin

The initiation of the penalty proceedings is not the subject matter of challenge, but the denial of benefit of waiver as engrafted under Section 273A of the Act. On a query being made, we have been apprised at the Bar that the penalty amount comes to Rs.2,59,240/- in respect of one year and Rs. 2,96,643/- for the second year. The rental income as reflectible from the order passed by the Commissioner of Income Tax is approximately Rs.37,80,000/-. In our considered opinion, the reasons ascribed by the authorities below are quite cogent and germane and the same really do not deserve to be interfered with in exercise of power of judicial review.

In the result, the writ petition, being devoid of merits, stands dismissed without any order as to costs.

CHIEF JUSTICE

SANJIV KHANNA, J.

September 02, 2011
NA