

**IN THE INCOME TAX APPELLATE TRIBUNAL
BANGALORE BENCHES "C" BENCH: BANGALORE
BEFORE SHRI B.R. BASKARAN, ACCOUNTANT MEMBER
AND
SMT BEENA PILLAI, JUDICIAL MEMBER
ITA. No. 1276/Bang/2018
Assessment Year: 2011-12**

M/s. Value & Budget Housing Corporation Pvt. Ltd., 74,75, VBHC House, Millers Road, Vasanth Nagar, Bangalore – 560 052. PAN: AACCV7868G	vs.	The Additional Commissioner of Income Tax, Range 12, Bangalore.
(Appellant)		(Respondent)

Assessee by	:	Shri S. Ramasubramanian, CA
Revenue by	:	Smt. Priyadarshini Besaganni, JCIT (DR)

Date of Hearing :	02.11.2021
Date of Pronouncement :	30.11.2021

ORDER

PER BEENA PILLAI, JUDICIAL MEMBER

Present appeal filed by assessee arises out of order dated 13/02/2018 passed by the Ld.CIT(A)-7 for assessment year 2011-12.

2. At the outset, the Ld.AR submitted that the Ld.CIT(A) did not decide the issues on merits and dismissed the appeal filed by assessee. He submitted that assessee had filed appeal before Ld.CIT(A) with the delay of 296 days which was not condoned. It is submitted that Mr. Indu Shekar H.V was taking care of taxation matter and was on payroll of assessee upto March,

2014. The Ld.AR submitted that the said employee without informing the concerned person left from the organisation during April, 2014. The Ld.AR has filed Form 16 in support of the submissions.

2.1. He submitted that the delay was caused as the assessee was unaware of the order passed by the Ld.AO having received by its employee Mr. Indu Shekar H.V who left the organisation without informing regarding the receipt of the assessment order.

2.2. He submitted that Ld.CIT(A) did not appreciate the above the reason that caused the delay in filing the appeal before the first appellate authority. The Ld.AR prayed that the delay in filing appeal before Ld.CIT(A) may be condoned and the issue may be remanded to the Ld.CIT(A) for fresh decision on merits.

2.3. The Ld.DR vehemently opposed the submission of assessee but could not controvert the reason that caused delay to file appeal before the first appellate authority.

3. We have perused submissions advanced by both sides in the light of records placed before us.

3.1. The principles of natural justice require a fair hearing to be granted to assessee. The reason that caused delay in filing appeal before Ld.CIT(A) has to be looked into based on the principles laid down by the *Hon'ble Supreme Court* in the case of *Collector Land Acquisition Vs. Mst. Katiji & Ors.* reported in (1987) 167 ITR 471. *Hon'ble Court* held that:

The expression 'sufficient cause' employed by the legislature in s.5 of the Indian Limitation Act, 1963 is adequately elastic to enable the Courts to do substantial justice to parties by disposing of matters on merits.

The State which represents the collective cause of the community does not deserve a litigant-non-grata status. The doctrine of equality before law demands that all litigants, including the State as a litigant, are

accorded the same treatment and the law is administered in an equitable manner. The Courts, therefore, have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression 'sufficient cause'. So also the same approach has to be evidenced in its application to matters at hand with the end in view to do even handed justice on merits in preference to the approach which scuttles a decision on merits.

3.2. In the instant case, sufficient cause exists for delay in filing appeal before the Ld.CIT(A). Delay is, therefore, condoned. The matter is remitted to the Ld.CIT(A) for disposal on merits.

Accordingly, grounds raised by the assessee stands allowed for statistical purposes.

In the result, appeal filed by the assessee stands allowed for statistical purposes.

Order pronounced in the open court on 30th November, 2021.

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

Sd/-
(BEENA PILLAI)
JUDICIAL MEMBER

Dated: 30th November, 2021.
/MS/

Copy to

1. The Appellant
2. The Respondent
3. CIT(A)
4. Pr. CIT
5. DR, ITAT, Bangalore.
6. Guard File

By order

Assistant Registrar
Income-tax Appellate Tribunal
Bangalore