

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री वी दुर्गा राव न्यायिक सदस्य एवं श्री जी. मंजुनाथा, लेखा सदस्य के समक्ष
Before Shri V. Durga Rao, Judicial Member &
Shri G. Manjunatha, Accountant Member

आयकर अपील सं./I.T.A. No.93/Chny/2023
निर्धारण वर्ष/Assessment Year: 2018-19

Shriram City Union Finance Limited,
[Now known as Shriram Finance Ltd.],
Mookambika Complex, No. 4, Lady
Desika Road, Mylapore,
Chennai 600 004.

Vs. The ACIT,
Corporate Circle 6(1),
Chennai.

[PAN:AAACS7703H]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri Raghav Rajeev Menon, Advocate
प्रत्यर्थी की ओर से/Respondent by : Shri M. Rajan, CIT
सुनवाई की तारीख/ Date of hearing : 28.02.2023
घोषणा की तारीख /Date of Pronouncement : 28.02.2023

आदेश /O R D E R

PER V. DURGA RAO, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order of the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi, dated 30.11.2022 relevant to the assessment year 2018-19.

2. Brief facts of the case are that the assessee filed the return of income for the assessment year 2018-19 on 29.09.2018 admitting total

income of ₹. 1106,27,45,010/-. The assessee filed revised return of income on 31.10.2018 admitting total income of ₹.1075,29,19,300/-. The DCIT, CPC, Bengaluru processed the return of income filed on 31.10.2018 and issued intimation under section 143(1) of the Income Tax Act, 1961 ["Act" in short] dated 11.03.2019. In the intimation under section 143(1) of the Act, the DCIT disallowed ₹.31,25,13,445/- being bonus paid to employees before the due date for filing return of income under section 139(1) of the Act. Against the disallowance made, the assessee has filed an appeal before the Id. CIT(A) – 15, Chennai on 10.04.2019. The appeal is pending. The ACIT, CPC, Bengaluru processed the revised return of income filed on 30.03.2019 and issued intimation under section 143(1) of the Act dated 23.03.2020. In the intimation, the ACIT, CPC, Bengaluru disallowed ₹.30,98,25,693/- being bonus paid to employees before the due date for filing the return of income though the same is allowable under section 43B of the Act. The assessee had claimed credit for TDS of ₹.20,70,99,112/-. However, the ACIT allowed credit for TDS of ₹.20,70,27,024/- and disallowed credit for TDS of ₹.72,088/-.

3. Against the above disallowances of ₹.30,98,25,693/- & ₹.72,088/-, the assessee filed an appeal before the Id. CIT(A). Since the appeal filed by the assessee was delayed by 71 days in filing the appeal before the Id.

CIT(A), the Id. CIT(A) refused to admit the appeal for adjudication as the assessee has not filed any petition for condonation of delay in filing the appeal and dismissed the appeal filed by the assessee.

4. On being aggrieved, the assessee is in appeal before the Tribunal. The Id. Counsel for the assessee has submitted that no defect memo was served on the assessee by notifying the defect in filing the appeal. Thus, it was submitted that the assessee may be permitted to file the reasons for the delay in filing the appeal before the Id. CIT(A).

5. On the other hand, the Id. DR has not seriously object to the submissions of the Id. Counsel.

6. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below. We have also considered the submissions of the Id. Counsel that the assessee was not notified about the defect in filing the appeal before the Id. CIT(A) and thereby, it was sought for permission to file the reasons before the Id. CIT(A). In view of the above facts, we set aside the appellate order and direct the Id. CIT(A) to consider the condonation petition as may be filed by the assessee and decide the issues on merits in accordance with law by affording reasonable opportunity of being heard to the assessee. The

assessee is also directed to file the condonation petition before the Id. CIT(A) for his consideration.

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

Order pronounced in the open Court on 28th February, 2023 at Chennai.

Sd/-
(G. MANJUNATHA)
ACCOUNTANT MEMBER

Sd/-
(V. DURGA RAO)
JUDICIAL MEMBER

Chennai, Dated, 28.02.2023

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to: 1. अपीलार्थी/Appellant, 2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त (अपील)/CIT(A), 4. आयकर आयुक्त/CIT, 5. विभागीय प्रतिनिधि/DR &
6. गार्ड फाईल/GF.