

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई  
IN THE INCOME-TAX APPELLATE TRIBUNAL 'A' BENCH, CHENNAI  
श्री वी. दुर्गा राव, न्यायिक सदस्य एवं श्री मनोज कुमार अग्रवाल, लेखा सदस्य के समक्ष ।  
Before Shri V. Durga Rao, Judicial Member &  
Shri Manoj Kumar Aggarwal, Accountant Member

आयकर अपील सं./I.T.A. No.706/Chny/2023  
निर्धारण वर्ष/Assessment Year: 2018-19

Tamil Nadu Medical Services  
Corporation Limited, 417, Pantheon  
Road, Egmore, Chennai 600 008.

Vs. The Deputy Commissioner of  
Income Tax,  
Corporate Circle 3(1),  
Chennai.

**[PAN:AAACT3400E]**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri K. Meenakshi Sundaram, CA  
प्रत्यर्थी की ओर से/Respondent by : Shri Chinthapalli Meher Chand, JCIT  
सुनवाई की तारीख/ Date of hearing : 09.11.2023  
घोषणा की तारीख /Date of Pronouncement : 10.11.2023

**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 22.03.2023 relevant to the assessment year 2018-19.

2. The appeal filed by the assessee is delayed by 9 days in filing the appeal, for which, the assessee has filed petition in the form of an affidavit for condonation of the delay, to which; the Id. DR has not raised

any serious objection. Consequently, since the assessee was prevented by sufficient cause, the delay in filing of the appeal stands condoned and the appeal is admitted for adjudication.

3. Brief facts of the case are that the assessee is a Public Sector Undertaking wholly owned by the Government of Tamil Nadu and filed its return of income for the assessment year 2018-19 on 03.10.2018 admitting loss of ₹.1,08,13,641/-. The return filed by the assessee was selected for scrutiny through CASS and notice under section 143(2) of the Income Tax Act, 1961 [“Act” in short] dated 22.09.2019 was duly served on the assessee. Thereafter, notice under section 142(1) of the Act has been issued on the assessee on 21.12.2020, 22.12.2020, 21.01.2021, 09.03.2021, 10.03.2021 and show cause dated 01.04.2021. The assessee has not furnished any reply to any notices issued by the Assessing Officer. Hence, the Assessing Officer has completed the assessment order under section 143(3) r.w.s. 144B of the Act dated 23.04.2021 and made additions. On appeal, since the assessee has not adduced any evidence to substantiate his claim, despite various hearing notices issued on the assessee, the Id. CIT(A) confirmed the additions.

4. On being aggrieved, the assessee is in appeal before the Tribunal. When the appeal was taken up for hearing, the Id. Counsel for the

assessee has submitted that due to outbreak of Covid-19 pandemic and thereby total lockdown imposed by the Central/State Government, the assessee was not able to file the details before the Assessing Officer. Even before the Id. CIT(A) also, the assessee was not able to file any details and thus, the Id. Counsel for the assessee has prayed that the assessee may be afforded one more opportunity of being heard to the assessee.

5. On the other hand, the Id. DR supported the orders of authorities below.

6. We have heard both the sides, perused the materials available on record and gone through the orders of authorities below and find that the addition made by the Assessing Officer was confirmed by the Id. CIT(A) on the ground that no documentary evidence/details were filed before the Id. CIT(A). In this case, the Assessing Officer has completed the assessment order under section 143(3) r.w.s. 144B of the Act dated 23.04.2021 and made additions. The assessee, being a Public Sector Undertaking wholly owned by the Government of Tamil Nadu and was procuring and distributing drugs and medicine to various Government Hospitals on behalf of the Government of Tamil Nadu and running of high-tech diagnostic facilities such as CT and MRI Scanning. During the

course of Covid-19 pandemic, the assessee was assisting the State Government in timely supply of drugs and other necessary items and could not able to furnish the details and substantiate its case before the Assessing Officer. Moreover, we find that the assessment proceedings were carried out by issuing various notices during the period of Covid-19 pandemic. Under the above facts and circumstances and considering the prayer of the Id. Counsel and in order to meet the ends of natural justice, we are of the considered opinion that the assessee shall be afforded one more opportunity of being heard to substantiate its case before the Assessing Officer. Accordingly, we set aside the exparte appellate order and remit the matter back to the file of the Assessing Officer to afford one more opportunity of being heard to the assessee to substantiate its case with suitable explanation and evidences and thereafter decide the issue in accordance with law.

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

Order pronounced on 10<sup>th</sup> November, 2023 at Chennai.

Sd/-  
(MANOJ KUMAR AGGARWAL)  
ACCOUNTANT MEMBER

Sd/-  
(V. DURGA RAO)  
JUDICIAL MEMBER

Chennai, Dated, 10.11.2023

Vm/-

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