

**IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH : BANGALORE**

**BEFORE SHRI CHANDRA POOJARI, ACCOUNTANT MEMBER
AND
SMT. BEENA PILLAI, JUDICIAL MEMBER**

S.P. Nos. 1 to 4/Bang/2024 (in ITA Nos. 1068 to 1071/Bang/2023) & ITA Nos. 1068 to 1071/Bang/2023 Assessment Years : 2013-14 to 2016-17
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M/s. Karnataka Minorities Development Corporation Ltd., Vishveshwaraya Centre, 12 th Floor, Main Tower, Dr. Ambedkar Veedhi, Bangalore – 560 001. PAN: AACCK3544J	Vs.	The Income Tax Officer, Ward – 4(3)(3), Bangalore.
APPELLANT		RESPONDENT

Assessee by	:	Shri B. Chattraj, Advocate & Shri Sabir Khan, CA
Revenue by	:	Shri D.K. Mishra, CIT DR

Date of Hearing	:	30-01-2024
Date of Pronouncement	:	31-01-2024

ORDER

PER BEENA PILLAI, JUDICIAL MEMBER

Present appeals arises out of the separate impugned orders all dated 10/11/2023 passed by NFAC, Delhi for A.Ys. 2013-14 to 2016-17.

2. At the outset, the Ld.AR submitted that all the appeals has been filed before this *Tribunal* with a delay of 172 days before the Ld.CIT(A). The Ld.CIT(A) dismissed the appeals without condoning the delay. It is the view of the Ld.CIT(A) that assessee has not furnished sufficient cause for condonation of the delay.

2.1 Aggrieved by the orders of the Ld.CIT(A), assessee is in appeals before this *Tribunal*.

3. The Ld.AR submitted that assessee is a company appointed by the State Government with objects to pursue and assist the members belonging to the minorities of the state for various purposes as enacted in the memorandum of association. He also submitted that the income of the assessee is exempt u/s. 10(26b) of the Act and that assessee used to file return of income showing Nil income. For assessment years 2013-14 to 2016-17, the assessee did not file the return of income and subsequently, the assessments were reopened by issuing notice u/s. 148.

4. The Ld.AR submitted that due to lack of knowledge, the officials managing the affairs and accounts of the assessee at the relevant time, regular return of income could not be filed and also did not respond to the notices issued by the department. The assessment was thus completed ex-parte u/s. 144 r.w.s. 144B of the Act and various additions were made.

5. It is submitted by the Ld.AR that even after the receipt of the assessment order, no appeals were filed within the limitation

period and subsequently when the assessee approached the representatives, the appeals was filed belatedly before the NFAC. The Ld.AR submitted that, during the Assessment Year 2013-14 the officials dealing with the matters of accounts and income tax were frequently transferred by the Government. He submitted that the members of staff working under assessee are appointed by the Government of Karnataka. As a consequence, the aspect of attending the income tax notices remained unattended resulting in exparte assessment and raising high demand for each year. He also submitted that the concerned person dealing with the accounts and income tax was transferred in the month of August 2021 and left no handing over note for his successor, the new incumbent who joined after August 2021 was a staff of the Karnataka State Accounts Department, and that she was completely unaware regarding the delay in respect of income tax proceedings as she took charge. The Ld.AR submitted that the officer as soon as realised the delay, approached the representative and necessary steps were taken. As a result of all this filing of appeal was delayed by about 6 months.

6. The Ld.DR submitted for the delay to be condoned as there was sufficient reason why assessee could not file the appeal before the NFAC within the period of limitation. The Ld.DR on the contrary, vehemently opposed the condonation of delay.

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

We have perused the affidavit filed in these appeals for condonation of delay before the Ld.CIT(A). We are also satisfied that sufficient cause has been made out by the assessee.

7. In our considered opinion, it is necessary that assessee should be granted an opportunity of being heard. Considering the fact that responsible officers were not available in order to take a decision in respect of filing appeals before the Ld.CIT(A). We thus condone the delay caused in filing appeals before the Ld.CIT(A), and remand the appeal back to the Ld.CIT(A) to consider the claims raised by assessee on merits. Assessee is directed to file evidences in support of the claims. The Ld.CIT(A) is directed to verify the documents / evidences filed in accordance with law. Needless to say that proper opportunity of being heard must be granted to the assessee.

Accordingly, the appeals filed by the assessee stands partly allowed for statistical purposes.

In the result, all the appeals filed by the assessee stands partly allowed for statistical purposes and all the stay petitions become infructuous.

Order pronounced in the open court on 31st January, 2024.

Sd/-

(CHANDRA POOJARI)
Accountant Member

Sd/-

(BEENA PILLAI)
Judicial Member

Bangalore,
Dated, the 31st January, 2024.
/MS /

Copy to:

1. Appellant
3. CIT
5. Guard file

2. Respondent
4. DR, ITAT, Bangalore
6. CIT(A)

By order

Assistant Registrar,
ITAT, Bangalore