

**IN THE INCOME TAX APPELLATE TRIBUNAL
AHMEDABAD “SMC” BENCH, AHMEDABAD**

BEFORE Ms. SUCHITRA KAMBLE, JUDICIAL MEMBER

**ITA No.586/Ahd/2024
Assessment Year: 2020-21**

M K Municipal Gymkhana, C/o. Nagar Seva Sadan, Nagar Palika Patan, Patan – 384 265. [PAN – AABAM 5284 C] (Appellant)	Vs.	CPC, Bengaluru, Jurisdictional A.O. : The Income Tax Officer, Ward – 1, Patan. (Respondent)
Assessee by	Shri M.K. Patel, AR	
Revenue by	Shri Purshottam Kumar, Sr. DR	
Date of Hearing	11.06.2024	
Date of Pronouncement	18.06.2024	

ORDER

This appeal is filed by the assessee against order dated 05.03.2024 passed by the CIT(A), National Faceless Appeal Centre (NFAC), Delhi for the Assessment Year 2020-21.

2. The assessee has raised the following ground of appeal :-

“1) *That on facts, in law, and on evidence on record, the learned National Faceless Appeal Centre (NFAC) has grievously erred in not affording reasonable and sufficient opportunity of hearing and in dismissing the appeal as not admitted as the appeal was filed late by 39 days.*

3. The assessee is an association of persons and filed return of income on 14.01.2021 thereby declaring total income at Rs.3,35,730/- including interest income of Rs.3,69,988/- and other income loss of Rs.34,258/-. After processing the income, intimation under Section 143(1) of the Income Tax Act, 1961 was issued and while perusing the same, it was found that Rs.11,47,108/- as against Rs.3,35,730/- as shown in the return of income. Against the same, an application under Section 154 of the Act was filed by the assessee and the same was rejected.

4. Being aggrieved by the Order under Section 154 of the Act, the assessee filed appeal before the CIT(A). The CIT(A) dismissed the appeal of the assessee.
5. The Ld. AR submitted that there was a delay in filing the appeal before the CIT(A) that of 39 days and the reason for delay was that the respective Consultant sought time for filing the details as the Accounting staff was on leave at the particular time of hearing before the CIT(A). The Ld. AR submitted that the delay was not deliberate but in fact the assessee sought time for filing explanation for delay in filing the appeal before the CIT(A), but the same was not taken into account and the CIT(A) without deciding the case on merit dismissed the appeal on the ground of delay. The Ld. AR submitted that the matter may be remitted back to the file of the CIT(A) for proper adjudication of the issues on merit.
6. The Ld. DR relied upon the Assessment Order and the order of the CIT(A).
7. Heard both the parties and perused all the relevant material available on record. At the time of hearing, the Id. AR presented the case proceedings response wherein it was categorically mentioned that the assessee sought adjournment for filing details on 24.01.2024 as the assessee's accounting staff was not available to compile the details of the issues on merit. The CIT(A) has totally ignored the fact that the delay was not deliberate in filing the appeal before the CIT(A) and the CIT(A) has not given sufficient time for filing the application for condonation of delay before the CIT(A). Therefore, the matter is remanded back to CIT(A) and the liberty is given to the assessee to file the application for condonation of delay thereby explaining the delay in filing the appeal before the CIT(A) and the CIT(A) will decide the same. The CIT(A) is also directed to decide the issues contested by the assessee on merit as per the Income Tax Statute. Needless to say, the assessee be given opportunity of hearing by following the principles of natural justice.
8. In the result, appeal of the assessee is partly allowed for statistical purpose.

Order pronounced in the open Court on this 18th June, 2024.

Sd/-
(SUCHITRA KAMBLE)
Judicial Member

Ahmedabad, the 18th June, 2024

PBN/*

Copies to: (1) *The appellant*
(2) *The respondent*
(3) *CIT*
(4) *CIT(A)*
(5) *Departmental Representative*
(6) *Guard File*

By order

Assistant Registrar
Income Tax Appellate Tribunal
Ahmedabad benches, Ahmedabad