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**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**Hyderabad 'B' Bench, Hyderabad**

**BEFORE SHRI PRAKASH CHAND YADAV, JUDICIAL MEMBER AND**  
**SHRI MADHUSUDAN SAWDIA, ACCOUNTANT MEMBER**

आ.अपी.सं / **ITA No.637/Hyd/2024**  
(निर्धारण वर्ष / Assessment Year: 2017-18)

M/s. NCL Buildtex Limited, Hyderabad. PAN: AACCA9318G	<b>Vs.</b>	Dy. Commissioner of Income Tax, Circle 5(1), Hyderabad.
(Appellant)		(Respondent)
निर्धारिती द्वारा / Assessee by:	Shri A. Rajesh, C.A.	
राजस्व द्वारा / Revenue by::	Shri Srikant Reddy, SR-DR	
सुनवाई की तारीख / Date of hearing:	05/09/2024	
घोषणा की तारीख / Pronouncement:	06/09/2024	

**आदेश/ORDER**

**PER SHRI PRAKASH CHAND YADAV, J.M:**

The present appeal of the assessee is arising from the order of Ld. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi dt.15.12.2023 having DIN No.ITBA/NFAC/S/250/2023-24/105880-1516(1) and relates to Assessment Year 2017-18.

2. There is a delay of 132 days in filing the appeal before the Tribunal. Explaining the cause for delay, the counsel for the assessee drawn our attention towards the Affidavit filed along with condonation of delay application and contended that the delay has happened because of the

name change of company and change in Email ID the assessee was unable to file the appeal on time before the ITAT. The assessee come to know of the matter, immediately filed the present appeal and hence assessee acted in *bona-fide* manner. The learned Department Representative strongly opposed the application filed by the assessee in respect of condonation of delay of 133 days.

3. After considering the totality of facts we hereby condone the delay of 133 days in filing of the present appeal, for the reasons mentioned in the application for condonation of delay duly supported with affidavit.

4. The assessee company is in the business of manufacture and sale of building materials filed its return of income for the Assessment Year 2017-18 declaring income of Rs.2,97,15,110/- claiming Long Term Capital Loss of Rs.82,68,758/- under normal provisions and book profit u/s.115JB at Rs.18,30,65,278/-. The case was selected for scrutiny through CASS and notices were issued. In response to the notices, the assessee filed details electronically and e-assessment was completed disallowing various provisions of the Act. Aggrieved with the order of Assessing Officer, the assessee filed an appeal before the Ld. CIT(A) who dismissed the appeal of the assessee after issuing several notices to the assessee.

5. At the outset, learned counsel for the assessee submitted that due to the change of name of the company and change of and also senior executive who look after the income tax matters left the company, the assessee could not submit the required documents / information to the Ld. CIT(A). He prayed that one more opportunity be given to present the documents / information before the authorities.

6. Per contra, the Ld. DR relied upon the orders of authorities below. However, could not show any disagreement for setting aside the matter to the file of Ld. CIT(A).

7. We have heard rival contentions of both the parties and perused the material on record. After considering the rival submissions, we observe that since the Ld. CIT(A) dismissed the appeal of the assessee exparty on the ground that several notices were issued to assessee. However he failed to point out as to whether any notice of hearing has actually been served on assessee. Be that as it may, now the assessee is ready to produce all such documentary evidence in support of his contentions and get the matter disposed of on merits. Therefore in the interest of justice we remit the matter back to the file of CIT(A) for deciding afresh in accordance with law. Needless to say that the CIT(A) would decide the matter after affording reasonable opportunity of being heard.

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

**Order pronounced in the open Court on 6th Sept., 2024.**

Sd/-

**(MADHUSUDAN SAWDIA)**  
ACCOUNTANT MEMBER

Sd/-

**(PRAKASH CHAND YADAV)**  
JUDICIAL MEMBER

Hyderabad.

Dated: 06.09.2024.

\* *Reddy gp*

**Copy of the Order forwarded to :**

1. Shri M/s. NCL Buildtex Limited, 10-3-162, 5<sup>th</sup> Floor, NCL Perl, SD Road, East Maredpally, Nehrunagar S.O., Secunderabad-500 026
2. DCIT, Circle 5(1), Hyderabad.
3. Pr.CIT, Hyderabad.
4. DR, ITAT, Hyderabad.
5. Guard file.

BY ORDER,