

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.640/Hyd/2024**
(निर्धारण वर्ष / Assessment Year: 2018-19)

M/s. Apitco Limited, Hyderabad. PAN:AABCA7348D (Appellant)	Vs.	Dy. Commissioner of Income Tax, Circle 1(1), Hyderabad. (Respondent)
निर्धारिती द्वारा / Assessee by:		Shri R. Mohan Kumar, Advocate
राजस्व द्वारा / Revenue by::		Shri Srikanth Reddy Y, SR- DR
सुनवाई की तारीख / Date of hearing:		05/09/2024
घोषणा की तारीख / Pronouncement:		10/09/2024

आदेश / ORDER

PER PRAKASH CHAND YADAV, J.M:

The present appeal of the assessee is arising from the order of
Ld. Commissioner of Income Tax (Appeals) – 26 dated 26.10.2023
having DIN No.ITBA/NFAC/S/250/2023-24/1057420863(1) for
Assessment Year 2018-19.

2. There is a delay of 183 days in filing the present appeal. The learned counsel for the assessee explaining the reason for delay has drawn the attention of the bench towards the Affidavit filed by the Managing Director of the company. In Affidavit, it has been stated that the mistake has happened on the part of the assessee because there was no business activity in the company since last year and the company is operating with skelton staff and hence there was no person who could pursue the tax matter. The learned counsel for the assessee submitted that the assessee further undertake to be serious in future and will remain vigilant for the tax matters.

3, Learned Department Representative strongly opposed the condonation application filed by the assessee.

4. After considering the rival submissions, we are of the view that there was a bona fide and genuine reason behind the delay in filing the appeal. Therefore, considering the peculiar facts, we hereby condone the delay of 183 days and admit the appeal for adjudication.

5. The assessee has raised as many as six grounds of appeal. ; However, the learned counsel for the assessee, at the outset submitted that the matter may kindly be restored to the file of Ld. CIT(A) for fresh adjudication. The learned counsel for the assessee further submitted

that the Ld. CIT(A) has dismissed the appeal of the assessee on the ground that there was a delay of 145 days in filing the appeal before him. The learned counsel for the assessee submitted that because the assessee is a Public Sector Undertaking (PSU) and business of the assessee company was ceased due to which there was no one to look after the tax compliance / proceedings of the tax matters. The learned counsel for the assessee submitted that the Ld. CIT(A) could not find this reason of delay as a reasonable cause and hence dismissed the appeal in limine.

6. The Ld. DR relied upon the orders of authorities below and contended that the assessee being negligent in pursuing the tax matters, the appeal has been rightly dismissed by Ld. CIT(A).

7. After considering the rival submissions, we observe that the assessee is a PSU and the business of the assessee was not in existence during the year under consideration, due to which there was a delay in filing the appeal before the Ld. CIT(A). Considering the facts and circumstances, we remit the matter back to the file of Ld. CIT(A) and direct the Ld. CIT(A) to adjudicate the matter on merits. Needless to say that the Ld. CIT(A) will allow proper and meaningful opportunity to the assessee.

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

Order pronounced in the open Court on 10th Sept., 2024.

Sd/-

(MADHUSUDAN SAWDIA)
ACCOUNTANT MEMBER

Sd/-

(PRAKASH CHAND YADAV)
JUDICIAL MEMBER

Hyderabad.

Dated: 10.09.2024.

* Reddy gp

Copy of the Order forwarded to :

1. M/s. Apitco Limited, 8th Floor, Parisrama
Bhavanam, Basheerbagh, Hyderabad-500
004
2. DCIT, Circle 1(1), Hyderabad.
3. Pr.CIT, Hyderabad.
4. DR, ITAT, Hyderabad.
5. Guard file.

BY ORDER,