

**IN THE INCOME TAX APPELLATE TRIBUNAL  
'C' BENCH, BANGALORE**

**BEFORE SHRI WASEEM AHMED, ACCOUNTANT MEMBER AND  
SHRI KESHAV DUBEY, JUDICIAL MEMBER**

ITA No.1928/Bang/2024
Assessment Year: 2018-19

Alpasankyatara Co Op Credit Society, Basavana Bagewadi Dist. Vijaypur – 586 203.  <b>PAN – AAEEA 5477 G</b>	Vs.	The Income Tax Officer, Ward – 1, Vijaypur.  .
APPELLANT		RESPONDENT

Assessee by	:	Shri Ramesh V Mudhol, CA
Revenue by	:	Shri V Parithivel, JCIT (DR)

Date of hearing	:	18.11.2024
Date of Pronouncement	:	25.11.2024

**ORDER**

**PER WASEEM AHMED, ACCOUNTANT MEMBER:**

This is an appeal filed by the assessee against the order passed by the NFAC, Delhi dated 31/07/2024 in DIN No. ITBA/NFAC/S/250/2024-25/1067182981(1) for the assessment year 2018-19.

2. At the outset, we note that there was delay in filing the appeal before us for 4 days only. The assessee has filed an application explaining the reasons for the delay, which was supported by the Affidavit and post office tracking documents. As per the assessee, the CA was busy in finalization of the Audit and, therefore, the assessee could not file the appeal within the stipulated time. In view of the above, Id.

AR submitted that there is no fault of the assessee in filing the appeal belatedly and, therefore, the same should be condoned.

3. On the other hand, considering the length of delay, the Id. DR left the issue on the discretion of the Bench.

4. We have heard the rival contentions of both the parties and perused the materials available on record. Considering the length of delay and that too attributable to the Auditor and not to the assessee, we, therefore, are inclined to condone the delay in filing the appeal by the assessee and proceed to adjudicate the issue on merit.

5. On merit of the case, we note that the assessment has been framed u/s 143(3) r.w.s 147 r.w.s 144B of the Act after making the addition of Rs. 1,10,55,240/- and 43,36,000/- representing the cash deposit and cash withdrawal from the bank account during the year in dispute. However, we note that the assessee submitted the details to justify the source of cash deposit vide letter dated 9/5/2023, which has also been acknowledged by the AO. However, the submission of the assessee given vide letter dated 09/05/2023 were rejected by the AO. In this regard, we note that the AO rejected the submissions of the assessee without assigning any reason. In our considered view, the AO is under the obligation to pass a reasoned and speaking order before rejecting the claim of the assessee.

6. Likewise, the provisions of sec. 250(6) of the Act mandates to the Id. CIT(A) to pass reasoned order. However, we note that none of the authorities below has assigned any reason before rejecting the

submission made by the assessee vide letter dated 09/05/2023. Accordingly, in the interest of justice and fair play, we set aside the issue to the file of the AO for fresh adjudication as per the provisions of law. Hence, the appeal of the assessee is hereby allowed for statistical purposes.

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

Order pronounced in court on 25<sup>th</sup> day of November, 2024

Sd/-

**(KESHAV DUBEY)**  
Judicial Member

Sd/-

**(WASEEM AHMED)**  
Accountant Member

Bangalore  
Dated, 25<sup>th</sup> November, 2024

/ vms /

Copy to:

1. The Applicant
2. The Respondent
3. The CIT
4. The CIT(A)
5. The DR, ITAT, Bangalore.
6. Guard file

By order

Asst. Registrar, ITAT, Bangalore