

**THE INCOME TAX APPELLATE TRIBUNAL
DEHRADUN BENCH, NEW DELHI
BEFORE SHRI M. BALAGANESH, ACCOUNTANT MEMBER
AND
SHRI SATBEER SINGH GODARA, JUDICIAL MEMBER
(Through Video Conferencing)**

ITA Nos. 88 & 87/DDN/2024
(Assessment Years: 2016-17 & 2017-18)

Panditwari Sadhan Sahkari Samiti Ltd, 99, Badowala, Panditwari, SO Dehradun 248 007 (Appellant) PAN: AANFP1157C	Vs.	ITO, War-1(1)(2), Dehradun (Respondent)
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Assessee by :	Shri Sushil Kumar, Adv
Revenue by:	Shri A. S. Rana, Sr. DR
Date of Hearing	18/03/2025
Date of pronouncement	02/04/2025

O R D E R

PER M. BALAGANESH, A. M.:

1. The appeal in ITA No.88 & 87/DDN /2024 for AYs 2016-17 & 2017-18, arises out of the order of the National Faceless Appeal Centre (NFAC), Delhi [hereinafter referred to as 'ld. NFAC', in short] in appeal No. ITBA/NFAC/S/250/2023-24/1062683871(1) dated 15.03.2024 against the order of assessment passed u/s 147 of the Income-tax Act, 1961 (hereinafter referred to as 'the Act') dated 31.03.2022 by the Assessing Officer, ITO, Ward-1(1)(2), Dehradun (hereinafter referred to as 'ld. AO').

2. Identical issues are involved in all these appeals and hence they are taken up together and disposed of by this common order for the sake of convenience. At the outset, there is a delay in filing of appeals before us by 20 days. Considering the reason adduced in the condonation petition, in the

interest of substantial justice, we are inclined to condone the delay and admit the appeals for adjudication.

3. The case of the assessee for the assessment year 2017-18 was sought to be re-opened by the Learned AO vide issuance of notice under section 148 of the Act on the ground that assessee has purchased TDR amounting to Rs 7,55,29,490/-. Since no return of income was filed by the assessee, the Learned AO formed a belief that income of the assessee had escaped assessment and accordingly issued notice under Section 148 of the Act. In response to this notice also, the assessee did not file any return of income. No appearance was made by the assessee before the Learned AO in the re-assessment proceedings. Accordingly, the Learned AO proceeded to frame a best judgment assessment under Section 144 of the Act after giving show-cause notice to the assessee. The Learned AO observed in the re-assessment order that assessee has purchased TDR amounting to Rs 7,55,29,490/- from District Co-operative Bank Ltd, Prem Nagar, Dehradun during the year under consideration. The source of making such investment remained unexplained and accordingly, the same was treated as unexplained investment made under Section 69 of the Act read with Section 115BBE of the Act. The assessee preferred an appeal before the Learned NFAC with a delay of 261 days. The Learned NFAC observed that assessee had not shown sufficient cause for the delay in filing of appeal and accordingly dismissed the appeal as not maintainable. Aggrieved, the assessee is in appeal before us.

4. Before us, the assessee's counsel furnished the reasons for delay in filing of appeal before the Learned NFAC and considering the same, in the interest of substantial justice, we are inclined to direct the Learned NFAC to condone the delay and to admit the appeal of the assessee for adjudication

and pass an order qua the grounds raised before it in accordance with law afresh. The assessee is at liberty to furnish fresh evidences, if any, in support of its contentions. Needless to mention that the assessee be given reasonable opportunity of being heard. With these directions, the grounds raised by the assessee in ITA No. 87/DDN/2024 for assessment year 17-18 are allowed for statistical purposes.

5. In respect of appeal in ITA No. 88/DDN/2024, we find that the same pertains to appeal filed against confirmation of penalty under section 271(1)(c) of the Act. We find that in this case also, the appeal was dismissed by the Learned NFAC by not condoning the delay. In view of the directions given in ITA No. 87/DDN/2024 supra, this appeal is also restored to the file of Learned NFAC with a direction to condone the delay and admit the appeal and adjudicate the issues raised thereon afresh in accordance with law.

6. In the result, both the appeals of the assessee are allowed for statistical purposes.

Order pronounced in the open court on 02/04/2025.

-Sd/-

(SATBEER SINGH GODARA)
JUDICIAL MEMBER

-Sd/-

(M. BALAGANESH)
ACCOUNTANT MEMBER

Dated: 02/04/2025
A K Keot

Copy forwarded to

1. Applicant
2. Respondent
3. CIT
4. CIT (A)
5. DR:ITAT

**ASSISTANT REGISTRAR
ITAT, New Delhi**