

आयकर अपीलीय अधिकरण, 'डी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'D' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री जगदीश, लेखा सदस्य के समक्ष ।
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Jagadish, Accountant Member

आयकर अपील सं./I.T.A. No.581/Chny/2025
निर्धारण वर्ष/Assessment Year: 2020-21

Karra & Co.,
"Anugraha", New No. 28,
Murrays Gate Road, Alwarpet,
Chennai 600 018.
[PAN:AAAFK3000E]

Vs. The Deputy Commissioner of
Income Tax,
Non Corporate Circle 3(1),
Chennai.

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Shri H. Yeshwanth Kumar, CA
प्रत्यर्थी की ओर से/Respondent by : Shri M.P. Guru Prasad, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 24.04.2025
घोषणा की तारीख /Date of Pronouncement : 30.04.2025

आदेश / O R D E R

PER S.S. VISWANETHRA RAVI, JUDICIAL MEMBER:

This appeal filed by the assessee is directed against the order dated 29.02.2024 passed by the Addl./JCIT(A)-1, Pune, for the assessment year 2020-21.

2. We find that this appeal is filed with a delay of 303 days. The assessee filed an affidavit along with petition for condonation of delay stating the reasons, which are reproduced herein below:

"I, Prem Karra, Managing Partner of M/s. Karma & Co, having its registered office at 28. Anugraha, Murrays Gate Road, Alwarpet, Chennai - 600 018 do hereby solemnly affirm and state:

1. *That I am competent to swear to this affidavit.*
2. *That I am well acquainted with the facts and circumstances of the appeal filed against the order of the Commissioner of Income Tax Appeal, ADDL JCIT (A)-1, Pune before the Hon'ble Income Tax Appellate Tribunal for dated 29.02.2024.*
3. *That the order of Commissioner of Income Tax Appeal ADDIL JUDIT (A)-1. Pune was passed on 29.02.2024 and that the appeal should have been filed within 60 days from the date of receipt of the order.*
4. *That the appeal before the Hon'ble Income Tax Appellate Tribunal was filed on 26.02.2025 with a delay of 303 days beyond the time allowed for filing the appeal, which ended on 29.04.2024.*
5. *That the firm had initiated a proposal for merger with M/s. Bansi S Mehta & Co, Chartered Accountants in the month of September, 2023. The partners of the firm were pre-occupied in the merger arrangements from September 2023 and that the said merger was completed in the month of October, 2024.*
6. *That the income tax matters of the firm were handled by Shri. R. Sivakumar, Partner of the firm, who passed away on 14.12.2023. The email id of Shri. Balakrishnan, who is an employee of the firm was given in the e-filing portal of the firm.*
7. *That subsequent to the demise of Shri. R. Sivakumar, the employee Shri. Balakrishnan, without informing the other partners of the firm, who were pre-occupied in the merger arrangements, had filed a brief response to the notice dated 15.02.2024, received from the Commissioner of Income Tax, Appeal, ADDL/JCIT (A) 1. Pune. However, Shri. Balakrishnan, inadvertently missed to note the intimation of passing of order by the Commissioner of Income Tax, Appeal, ADDL/JCIT (A)-1, Pune u/s 250 on 29.02.2024.*
8. *That subsequent to the merger, in order to verify the status of pending proceedings if any in the case of the firm, I had logged into the Income Tax Portal of the firm in the 3rd week of February, 2025.*
9. *That only at that time I came to know that an order dated 29.02.2024 was passed by the Commissioner of Income Tax, Appeal, ADDL/JCIT (A)-1, Pune for the impugned assessment year and that no action was taken against the said order.*
10. *That I approached the office of Shri. T. Banusekar, Advocate, Chennai regarding the further course of action to be taken against the order of the Commissioner of Income Tax (Appeals). Shri.T. Banusekar, Advocate advised the petitioner that an appeal can be filed against the said order along with a petition to condone the delay in filing the appeal. I then requested the office of Shri. T. Banusekar, Advocate to draft the appeal.*

11. *That the appeal was then drafted, sent for approval of me and was finally filed on 26.02.2025 with a delay of 303 days.*
12. *That the delay was purely due to genuine reasons beyond the control and there was no intention to delay the filing of the appeal and no benefit is sought to be derived by the delay in filing the appeal.*

I further affirm that the above stated facts are true and correct to the best of my knowledge.”

3. Upon hearing both the parties and on examination of the said petition and affidavit, we find the reasons stated by the assessee are bonafide, which really prevented in filing the appeal in time. Thus, the delay is condoned and admitted the appeal for adjudication.

4. While dealing with condonation of delay, it was noted that the assessee firm merged with M/s. Banshi S. Mehta & Co., Chartered Accountants in the month of October, 2024 and explanation sought for from the Id. AR that whether the assessee is existing firm or not as on today. He sought adjournment for seeking instructions from the assessee. The Id. AR filed notarized affidavit dated 23.04.2025 deposed by one Shri K. Premkumar Karra, Managing Partner of M/s. Karra & Co. Stating that only the profession carried out for the assessee has been merged with M/s. Banshi S. Mehta & Co. In the month of October, 2024 and the PAN of the assessee has not been surrendered to the Income Tax Department. Further, he deposed that the assessee is still in existence with six partners, the names which are

reflected in para 7 of the said affidavit. Taking into consideration that the assessee is in existence, we note that there was no representation before the Id. CIT(A), in turn, confirmed the order of the Assessing Officer exparte of the assessee, which is clear vide para 5.2 to 5.3 of the impugned order. The Id. AR fairly conceded that the assessee could not represent before the Id. CIT(A) due to ongoing proposed merger of the assessee with M/s. Bansi S. Mehta & Co. Therefore, taking into consideration the above facts, we deem it proper to remand the matter to the file of the Id. CIT(A) for fresh consideration. The assessee is at liberty to file any evidence in substantiating its case.

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

Order pronounced on 30th April, 2025 at Chennai.

Sd/-
(JAGADISH)
ACCOUNTANT MEMBER

Sd/-
(S.S. VISWANETHRA RAVI)
JUDICIAL MEMBER

Chennai, Dated, 30.04.2025

Vm/-

आदेश की प्रतिलिपि अग्रेषित/Copy to:

1. अपीलार्थी/Appellant,
2. प्रत्यर्थी/ Respondent,
3. आयकर आयुक्त/CIT, Chennai/Madurai/Coimbatore/Salem
4. विभागीय प्रतिनिधि/DR &
5. गार्ड फाईल/GF.