



IN THE INCOME TAX APPELLATE TRIBUNAL  
PUNE BENCHES "B", PUNE

BEFORE DR.MANISH BORAD, ACCOUNTANT MEMBER  
AND SHRI VINAY BHAMORE, JUDICIAL MEMBER

आयकर अपील सं. / ITA Nos.222 and 223/PUN/2025  
Assessment Year : 2018-19

Shelke Constructions and M/s. Yash Builders and Construction Co., 1 Jalgaon, Girna Taki Parisar, Jalgaon – 425001 Maharashtra PaN : ADCFS4639L	Vs.	ITO, Ward-1(1), Jalgaon
Appellant		Respondent

Appellant by	:	Shri Digamber Surwase
Respondent by	:	Shri Ganesh B Budruk
Date of hearing	:	01.05.2025
Date of pronouncement	:	06.05.2025

**आदेश / ORDER**

**PER DR. MANISH BORAD, ACCOUNTANT MEMBER :**

The captioned appeals at the instance of assessee pertaining to A.Y. 2018-19 relate to quantum addition as well as penalty and are directed against the separate orders dated 26.12.2024 passed by National Faceless Appeal Centre, Delhi.

2. At the outset, Ld. Counsel for the assessee submitted that ld.CIT(A) has dismissed both the appeals of the assessee on account of delay in filing the appeal and has not dealt with merits of the case and thus prayed that the matters may be restored to the file of ld.CIT(A) for necessary adjudication. Reference made to the affidavit given before ld.CIT(A) mentioning the reasons for delay in filing the appeal. Ld. Departmental Representative was fair enough in not opposing this request.



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M/s. Yash Builders and Construction Co.

3. We have heard both the sides and perused the record placed before us. We note that the assessee is a partnership firm, furnished its income-tax return for A.Y. 2018-19 on 31.10.1980 declaring income of Rs.1,43,740/-. Case selected for complete scrutiny for the Contract receipts or Fees. Assessee failed to appear before the Id. AO even after proper notices of hearing were issued. However, the reason for non-appearance was on account of covid-19 pandemic prevailing across the country at that point of time and the notices of hearing given by the AO were given fixing the date of hearing on 01.12.2020, 18.12.2020 and 29.12.2020. Due to non-compliance, assessment order was passed *ex parte* u/s.144 of the Act making addition of Rs.84,10,694/- and Ld. AO also initiated penalty proceedings u/s.270A of the Act which finally culminated vide order dated 14.09.2021 as per which penalty of Rs.12,99,452/- was levied. Penalty order was also passed during the covid-19 pandemic period.

4. The assessee assailed both the *ex parte* orders relating to quantum and penalty before the Id.CIT(A) but there was delay in filing of the appeal. Most part of the delay was on account of covid-19 pandemic period and the remaining part of the delay was on account of notices which were sent to the Jalgaon office which was closed by the said time. The reason for closure of the office was that the assessee firm has incorporated as specific purpose vehicle for doing contract work at Jalgaon for the Indian Railways. Work was completed during F.Y. 2019-10 and the major part of the execution work was done by the Joint Venture partner Baban Rao Dagadu Shelke located at Pune.



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5. Under these given facts and circumstances and in the larger interest of justice, we condone the delay in filing the appeal before Id.CIT(A). Since the issues have not been adjudicated by the Id.CIT(A) we deem it appropriate to remit the issues of quantum addition as well as the issue of penalty to the file of Id.CIT(A) for *denovo* adjudication. Id.CIT(A) shall afford due opportunity of hearing to the assessee. Assessee is directed to remain vigilant and not to take unnecessary adjournment unless otherwise required for reasonable cause. Effective grounds of appeal raised on merits in both the appeals are allowed for statistical purposes.

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

Order pronounced on this 06<sup>th</sup> day of May, 2025.

Sd/-  
**(VINAY BHAMORE)**  
**JUDICIAL MEMBER**

Sd/-  
**(MANISH BORAD)**  
**ACCOUNTANT MEMBER**

पुणे / Pune; दिनांक / Dated : 06<sup>th</sup> May, 2025.

*Satish*

**आदेश की प्रतिलिपि अग्रेषित / Copy of the Order forwarded to :**

1. अपीलार्थी / The Appellant.
2. प्रत्यर्थी / The Respondent.
3. The Pr. CIT concerned.
4. विभागीय प्रतिनिधि, आयकर अपीलीय अधिकरण, "B" बेंच,  
पुणे / DR, ITAT, "B" Bench, Pune.
5. गार्ड फ़ाइल / Guard File.

आदेशानुसार / BY ORDER,

// True Copy //

Senior Private Secretary  
आयकर अपीलीय अधिकरण, पुणे / ITAT, Pune.