

**IN THE INCOME TAX APPELLATE TRIBUNAL
COCHIN BENCH**

**BEFORE SHRI INTURI RAMA RAO, AM
AND SHRI SOUNDARARAJAN K., JM**

**ITA No. 809/Coch/2024
Assessment Year: 2019-20**

Jeevan Telecasting Corporation Ltd. Appellant
32/2401 B Rashtradeepia Building
Palarivttom, Kochi 682025
[PAN: AAACJ8267F]

vs.

Jt. Commissioner of Income Tax Respondent
TDS Circle, Kochi

Appellant by: Shri Prashanth Srinivas, CA
Respondent by: Shri Omanakuttan, Sr. D.R.

Date of Hearing: 19.03.2025
Date of Pronouncement: 29.04.2025

ORDER

Per: Inturi Rama Rao, AM

This appeal filed by the assessee is directed against the order of the National Faceless Appeal Centre, Delhi [CIT(A)], dated 10.07.2024 for Assessment Year (AY) 2019-20.

2. Brief facts of the case are that the assessee had deducted TDS amounting to Rs.21,17,532/- during the financial year 2018-19 but, not remitted TDS amount to the Government Account in time. Thus, the assessee was treated as an assessee in default. A notice u/s. 274

r.w.s. 271C of the Income Tax Act, 1961 (the Act) was issued on 21.11.2019 enabling the assessee to show cause as to why penalty u/s. 271C of the Act should not be imposed. In response to the notice, assessee submitted reply before the AO. The AO was of the view that since the tax was deducted but not deposited to the government account within the prescribed time, the appellant is liable for penalty u/s. 271C of the Act and levied penalty of Rs. 21,71,532/-.

3. Being aggrieved, an appeal was filed before the CIT(A), who vide the impugned order dismissed the appeal *ex parte* for non prosecution.

4. Being aggrieved, the assessee is in appeal before the Tribunal in the present appeal.

5. We have heard the rival contentions of both the parties and perused the material available on record. We find that the learned CIT(A) dismissed the appeal *in limine* for non prosecution. As contemplated u/s. 250(6) of the Act the CIT(A) is required to frame points of determination followed by a detailed discussion thereupon before passing the order. It is the settled position of law that the CIT(A), even while disposing of the appeal *ex parte*, is duty bound to dispose of the appeal on merits. Reliance in this regard can be placed on the decision of the Hon'ble Bombay High Court in the case of PCIT vs. Premkumar Arjundas Luthra 279 CTR 614.

Therefore, in the light of the above legal position we are of the considered view that the matter requires to be remanded to the file of the CIT(A) with the direction to dispose of the appeal de novo on merits after affording reasonable opportunity of hearing to the assessee.

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

Order pronounced in the open court on 29th April, 2025.

Sd/-
(SOUNDARARAJAN K.)
JUDICIAL MEMBER

Sd/-
(INTURI RAMA RAO)
ACCOUNTANT MEMBER

Cochin, Dated: 29th April, 2025

n.p.

Copy to:

1. The Appellant
2. The Respondent
3. The Pr. CIT concerned
4. The Sr. DR, ITAT, Cochin
5. Guard File

By Order

Assistant Registrar
ITAT, Cochin