

**आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई**  
**IN THE INCOME TAX APPELLATE TRIBUNAL, 'A' BENCH, CHENNAI**  
श्री एबी टी वर्की, न्यायिक सदस्य एवं श्री एस. आर.रघुनाथा, लेखा सदस्य के समक्ष  
**BEFORE SHRI ABY T VARKEY, HON'BLE JUDICIAL MEMBER AND**  
**SHRI S. R. RAGHUNATHA, HON'BLE ACCOUNTANT MEMBER**

आयकर अपील सं./ITA No.351/CHNY/2025

(निर्धारण वर्ष / Assessment Year: 2017-18)

**Shri Palanimuthu Pandiyan,**  
Prop: S C P Motors,  
No.7, Angalamman Koil Street,  
Pethanaikenpalayam,  
Attur, Salem – 636 109.

Vs **The Income Tax Officer,**  
Ward 1(9),  
Salem

**PAN : AMSPP 8297L**

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri T.S.Lakshmi Venkatraman,  
FCA

प्रत्यर्थी की ओर से/Respondent by : Shri Keerthi Narayanan, JCIT

सुनवाई की तारीख/Date of Hearing : 24.04.2025

घोषणा की तारीख/Date of Pronouncement : 05.05.2025

**आदेश / O R D E R**

**PER S R RAGHUNATHA, AM:**

This appeal by the assessee is filed against the order of the Commissioner of Income Tax (Appeals), National Faceless Appeal Centre (NFAC), Delhi, dated 27.06.2024 for the assessment year 2017-18.

2. At the outset, we find that there is a delay of 156 days in appeal filed by the assessee, for which petition for condonation of delay

along with reasons for delay has been filed. After considering the petition filed by the assessee and also hearing both the parties, we find that there is a reasonable cause for the assessee in not filing appeal on or before the due date prescribed under the law and thus, in the interests of justice, we condone delay in filing of appeal and admit appeal filed by the assessee for adjudication.

3. At the very outset, we notice that the assessment has been completed on best judgment basis u/s.144 of the Income Tax Act, 1961 (hereinafter the 'Act') on 02.12.2019. Further the CIT(A)'s order is also ex-parte, since there was no compliance from the assessee to the four notices issued from the office of the First Appellate Authority.

4. The Ld.AR submitted that the assessee has failed to take note of hearing notices sent through e-mail, resulting in non-cooperation of assessee during the appellate proceedings. It was prayed in the interest of justice and equity, the issue may be restored to the files of the AO as a last opportunity for proper representation of his case.

5. The Ld.DR submitted that adequate opportunities were provided from the offices of the AO and the CIT(A) and there is no

violation of principles of natural justice. Therefore, it was prayed the appeal of the assessee may be dismissed.

6. We have heard rival submissions and perused the materials on record. The Office of the First Appellate Authority had issued four hearing notices. It was the contention of the Id.AR that the assessee had failed to take note of hearing notices sent from the office of the CIT(A). We note that the Assessing Officer has also passed exparte order by considering the information available with the department and made an addition and the same has been upheld by the Id.CIT(A) - NFAC due to non-participation of the assessee in the first appellate proceedings. Since the assessee has failed to participate both before the AO as well as the appellate proceedings, we levy the cost of Rs.10,000/- (Rupees Ten Thousand only) to be paid to State Legal Aid Authority, Hon'ble High Court of Madras and produce proof of payment of cost to the Registry within 30 days from the date of receipt of this order. Accordingly, in the interest of justice, we set aside the order of the Id.CIT(A) and remit the matter back to the file of Assessing Officer by relying on the decision of the Hon'ble Supreme Court in the case of Tin Box Company vs CIT, [2001] 249 ITR 216 (SC) and direct AO to denovo frame the order in accordance to law, after providing reasonable opportunity to the assessee.

Needless to say, assessee to be diligent and file written submissions and relevant documents if advised so.

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

Order pronounced in the open court on 5<sup>th</sup> May, 2025 at Chennai.

*Sd/-*  
(एबी टी वर्की)  
**(ABY T VARKEY)**  
न्यायिक सदस्य/Judicial Member

*Sd/-*  
(एस. आर. रघुनाथा)  
**(S. R. RAGHUNATHA)**  
लेखा सदस्य/Accountant Member

चेन्नई/Chennai,

दिनांक/Date: 05.05.2025

*RSR*

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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