

आयकर अपीलिय अधिकरण, 'सी' न्यायपीठ, चेन्नई
IN THE INCOME-TAX APPELLATE TRIBUNAL 'C' BENCH, CHENNAI
श्री एस.एस. विश्वनेत्र रवि, न्यायिक सदस्य एवं श्री अमिताभ शुक्ला, लेखा सदस्य के समक्ष
Before Shri S.S. Viswanethra Ravi, Judicial Member &
Shri Amitabh Shukla, Accountant Member

आयकर अपील सं./I.T.A. No.810/Chny/2025
निर्धारण वर्ष/Assessment Year: 2017-18

Sellappa Karuppusamy,
Thokkuthottam, Pollachi,
Coimbatore 642 001.

Vs. The Income Tax Officer,
Ward 1,
Pollachi.

[PAN:BXIPK7422C]

(अपीलार्थी/Appellant)

(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से / Appellant by : Ms. S. Mathangi, Advocate
प्रत्यर्थी की ओर से/Respondent by : Ms. R. Anita, Addl. CIT
सुनवाई की तारीख/ Date of hearing : 03.06.2025
घोषणा की तारीख /Date of Pronouncement : 17.06.2025

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 13.01.2025 passed by the Id. Commissioner of Income Tax (Appeals), National Faceless Appeal Centre [NFAC], Delhi for the assessment year 2017-18.

2. The assessee raised 4 grounds of appeal amongst which, the only issue emanates for our consideration as to whether the Id. CIT(A) is justified in rejecting the condonation petition and confirming the addition made by the Assessing Officer.

3. We note that according to the Assessing Officer, the assessee made substantial cash deposits during demonetization period in his bank account maintained with the Federal Bank, Sulakkal Branch as well as South Indian Bank, Kovilpalayam Branch and did not file return of income for AY 2017-18. Thus, the Assessing Officer issued notice under section 142(1) of the Act dated 14.02.2018 requiring the assessee to file return of income, but, however, the assessee did not comply with the same. From the bank statements obtained under section 133(6) of the Act, the Assessing Officer noted that the assessee made cash deposits of ₹.3,00,000/- and ₹.12,88,000/- respectively during demonetization period. The Assessing Officer found total credits as per the bank statements for the period from 01.04.2016 to 31.03.2017 inclusive of the aforesaid cash deposits are ₹.13,77,454/- and ₹.95,45,675/- respectively put together to ₹.1,09,23,129/-. Since there was no response from the assessee against show cause notices, the Assessing Officer treated the entire credits of ₹.1,09,23,129/- as unexplained money under section 69A of the Income Tax Act, 1961 ["Act" in short] and completed the assessment under section 144 of the Act dated 23.11.2019.

4. The assessee carried the matter in appeal before the Id. CIT(A) with delay of 352 days in filing the appeal. Since the assessee could not

file any supporting documentary evidence in support of the affidavit filed for condonation of delay, the Id. CIT(A) dismissed the appeal of the assessee.

4. The Id. AR Ms. S. Mathangi, Advocate submits that out of the total delay of 352 days in filing the appeal before the Id. CIT(A), a substantial period 269 days was during the Covid-19 period, which was covered by the decision of the Hon'ble Supreme Court judgement in suo moto Civil Write Petition No. 3 of 2020 dated 10.01.2022. She vehemently argued that the assessee being a senior citizen and causing prejudice to the assessee, the Id. CIT(A) should have adjudicated the issue on merits. The Id. AR prayed that, one more opportunity may be afforded to the assessee to pursue his case before the Id. CIT(A).

5. The Id. DR Ms. R. Anita, Addl. CIT opposed the same and drew our attention to the assessment order and argued that the assessee has not at all cooperated with the Department in furnishing the details as sought for through various notices/show-cause notices issued by the Assessing Officer. The Id. DR drew our attention to para 2.1 and 2.3 of the impugned order and argued that the Id. CIT(A) afforded ample opportunities to the assessee, but the assessee could not furnish supporting documentary evidence to prove the claim of continued losses of the assessee. She

vehemently argued that costs may be imposed, in case this Tribunal affords an opportunity by remanding the matter to the file of the Id. CIT(A).

6. Heard both the parties and perused the material on record. We note that the assessment was completed under section 144 of the Act dated 23.11.2019. On perusal of the impugned order, we note that there was no assistance from the assessee to various notices/show-cause notices issued by the Assessing Officer as well as the Id. CIT(A). We find the assistance of assessee is necessary in terms of additions involves under section 69A of the Act, further, we have also considered the submissions of the Id. AR that the Id. CIT(A) has not adjudicated the issue on merits. Taking into consideration of the submissions of the Id. AR and the Id. DR and in the interest of justice, we deem it proper to afford one more opportunity and remand the matter to the file of the Id. CIT(A) to condone the actual delay, if any, subject to the condition of payment of ₹.5,000/- in favour of the State Legal Aid Authority, Hon'ble Madras High Court within 30 days from the date of receipt of this order, and the Id. CIT(A) shall satisfy the payment of cost and decide the issue on merits afresh after considering the written submissions/ documentary evidences as may be

filed by the assessee to substantiate his claim. Thus, the grounds raised by the assessee are allowed for statistical purposes.

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

Order pronounced on 17th June, 2025 at Chennai.

Sd/-
(AMITABH SHUKLA)
ACCOUNTANT MEMBER

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

Chennai, Dated, 17.06.2025

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.