

**आयकर अपीलीय अधिकरण, इंदौर न्यायपीठ, इंदौर**  
**IN THE INCOME TAX APPELLATE TRIBUNAL**  
**INDORE BENCH, INDORE**  
**BEFORE SHRI B.M. BIYANI, ACCOUNTANT MEMBER**  
**AND**  
**SHRI PARESH M. JOSHI, JUDICIAL MEMBER**

**ITA No.71/Ind/2025**  
**Assessment Year: 2020-21**

Adim Jati Seva Sahakari Samiti Mydt, Mohanpur Harda (Assessee/Appellant)	<b><u>बनाम/</u></b> <b><u>Vs.</u></b>	Assessment Unit Income Tax Department (Revenue/Respondent)
<b>PAN: AAAAA5193M</b>		
Assessee by	Shri Gagan Tiwari, AR	
Revenue by	Shri Ashish Porwar, Sr. DR	
Date of Hearing	23.06.2025	
Date of Pronouncement	25.06.2025	

**आदेश / O R D E R**

**Per B.M. Biyani, A.M.:**

Feeling aggrieved by order of first-appeal dated 19.11.2024 passed by learned Commissioner of Income-Tax (Appeals)-NFAC, Delhi ["CIT(A)"] which in turn arises out of assessment-order dated 06.09.2022 passed by learned Assessment Unit of Income-tax Department ["AO"] u/s 144 read with section 144B of Income-tax Act, 1961 ["the Act"] for Assessment-Year ["AY"] 2020-21, the assessee has filed this appeal on the grounds mentioned in Appeal Memo (Form No. 36).

2. The background facts leading to present appeal are such that the assessee is a primary agricultural credit society claiming to be engaged in the activity of banking/providing credit facility to its members. For AY 2020-21 under consideration, the assessee filed return declaring total income at Rs. Nil after claiming deduction of Rs. 40,38,360/- u/s 80P. The case of assessee was selected for scrutiny but finding no reply from assessee to the notices u/s 143(2)/142(1), the AO ultimately framed assessment u/s 144 reclassifying assessee's income as Income from Other Sources and denying deduction u/s 80P. Aggrieved, the assessee carried matter in first-appeal before CIT(A) but the CIT(A) dismissed assessee's appeal *in limine* on the ground of delayed filing by 442 days. Now, the assessee has come in next appeal before us.

3. Ld. AR for assessee at first carried us to Para 2 of assessment-order to show that the case of assessee was handled by CA Shri Amit Goyal and his personal email id [amit26\\_goyal@rediffmail.com](mailto:amit26_goyal@rediffmail.com) was supplied in assessee's database with Income-tax Department to which notices u/s 143(2), 142(1) and Show-Cause notice u/s 144 were given by AO. However, CA Shri Amit Goyal was found to have been engaged in fraudulent activities in collusion with certain bank officials and did not take care of assessee-society's tax affairs which had led to passing of assessment-order as ex-parte as well as non-filing of first appeal in time. Finally, the assessee-society changed its counsel and appointed M/s JRNG & Associates, Chartered Accountants, to deal its cases. However, the email id of previous counsel continued in the

departmental database. Further, there was a change in branch manager of assessee-society due to retirement of Shri Praveen Kashiv in whose place Shri Shankar Malviya was appointed as new branch manager. Ld. AR submitted that because of these developments, there occurred delay in filing of first-appeal to CIT(A). Ld. AR submitted that the assessee filed first-appeal to CIT(A) with a request for condonation of delay and explained the reasoning of delay but the Ld. CIT(A) dismissed assessee's appeal *in limine* on the footing that the supporting documents were not filed. The relevant paras noted by CIT(A) in this regard read as under:

*"2.14 The main reasons submitted for delay in filing appeal are that the previous consultant CA Amit Goyal was changed and appointed new consultant JNRG & Associates; that there was the delay due to this gap in the appointment and the Email ID was not updated on the portal so that no one pays attention on this matter, that the Branch Manager, who is a local person who is a not much qualified person looking to the job profile that he is majorly required to interact with the rural farmers and for accounting and filing of returns etc., they are not aware the consequences about that, that the assessee was unaware about the prior notices: the previous Consultant was not informed to the assessee and after the updating Email id and access to Income tax portal by new consultant now action is being taken in this regard.*

*2.15 However, no supporting evidences like affidavits from the assessee or his counsels has been filed during appellate proceedings,*

*in spite of requesting to do so. Further, the assessee has not specified date of appointment of new counsel; has not submitted any details of old counsel who alleged not informed the assessee about notices or order. Moreover, the assessee had also not explained the efforts taken by the assessee for filing the appeal in time."*

4. Ld. AR next submitted that the assessee-society has now filed an Interlocutory Application before ITAT seeking condonation of delay in first-appeal duly supported by documents required by CIT(A), namely (i) the affidavit of Shri Shankar Malviya, new branch manager of assessee-society, and (ii) the affidavit of CA Renu Yadav of M/s JNRG & Associates, the new counsel of assessee appointed after removal of previous counsel CA Shri Amit Goyal. These documents are scanned and re-produced below:

That the Appellant Society is situated in Mohanpur, a village located in the Harda District of Madhya Pradesh, India. The Appellant is a Primary Agricultural Credit Society (PACS), a cooperative organization registered under the Madhya Pradesh Cooperative Department. It operates under the administrative control of Jila Sahakari Kendriya Bank Maryadit, Hoshangabad, and primarily functions to provide financial assistance to farmers and rural communities. Its core activities include extending credit facilities to farmers for the purchase of seeds, fertilizers, and other essential agricultural inputs. As a PACS, the Appellant works for the welfare of farmers by ensuring timely access to credit and agricultural inputs to support and promote agricultural production.

The Society also undertakes public welfare functions by operating grocery shops under the Governments Public Distribution System (PDS) and by participating in the 'Samarthan Mulya' scheme. Under the PDS, it distributes essential commodities like rice, wheat, sugar, and kerosene to eligible beneficiaries at subsidized rates, earning a nominal commission. Under the 'Samarthan Mulya' scheme, the Society assists in procuring agricultural produce from farmers and supplies it to government agencies such as the MP State Civil Supplies Corporation and MP State Marketing Federation, for which it receives a pre-determined commission. These activities support the rural economy and ensure farmers receive fair prices for their produce while enabling the Society to sustain its operations.

That in the present case, the Ld. National Faceless Assessment Centre, New Delhi, passed an ex-parte assessment order dated 06/09/2022 for the Assessment Year 202021, whereby an addition of 40,30,360/- was made in the hands of the Appellant Society. The Appellant had no knowledge of the ongoing assessment proceedings, as all notices from the initiation of the Assessment proceedings were sent to the email address amit26\_goyal@rediffmail.com, which belongs to CA Amit Goyal, the former Chartered Accountant of the Appellant Society. Furthermore, the Appellant was not even aware of the passing of the ex-parte assessment order under Section 144 read with Section 144B of the Act on 06/09/2022.

That CA Amit Goyal was the Chartered Accountant engaged by the Head Office, M/s Jila Sahakari Kendriya Bank Maryadit, Hoshangabad, at the district level for handling GST and Income Tax matters of all 70 Societies functioning under the said Bank. However, during the financial year 20192020, CA Amit Goyal, in collusion with certain bank officials, defrauded the Bank and several affiliated Societies. In response to multiple complaints, an FIR was registered against the concerned bank officials and CA Amit Goyal for their alleged involvement in the fraudulent activities. Subsequently, the Head Office, M/s Jila Sahakari Kendriya Bank Maryadit, Hoshangabad, appointed a new consultant, CA Renu Yadav of M/s J N R G & Associates, to handle the Income Tax and GST work of all the Societies under its jurisdiction, which number approximately 70 in total.

That although a new Income Tax Consultant was appointed, the email ID amit26\_goyal@rediffmail.com, belonging to the earlier counsel, remained updated on the Income Tax portal. As a result, the Appellant Society had no knowledge of the ongoing assessment proceedings as all the notice were issued by the Department on amit26\_goyal@rediffmail.com. Even the newly appointed consultant was unaware of the same, as all proceedings were conducted during the COVID-19 period, when travel was restricted. The new Chartered Accountant, CA Renu Yadav of M/s J N R G & Associates, was based in Bhopal, and all communication with the Appellant Society through its Manager was limited to essential matters. Only urgent details, such as those required for timely filing of Income Tax Returns and GST Returns, were exchanged via email.

That during the period from the passing of the ex-parte assessment order dated 06/09/2022 until the filing of the appeal on 21/12/2023, the Manager of the Appellant Society was Shri Praveen Kashiv, who continued to serve as Branch Manager until 29/06/2024. Although Shri Praveen Kashiv held the position of Branch Manager, he is a local resident with limited academic qualifications. His primary responsibilities involved day-to-day operations, interaction with rural farmers, and coordination of

basic accounting tasks and return filings. Given his background and the nature of his role, he lacked the expertise to understand the intricacies and complexities of income tax laws and proceedings. True Copy of his retirement letter is attached herewith as Annexure (A/1) True Copy of his Aadhar Card is also attached of Praveen Kashiv herewith as Annexure (A/2)

That on 30/06/2024, the Appellant Society appointed Shri Shiv Shankar Malviya as the new Branch Manager upon the retirement of Shri Praveen Kashiv. It is respectfully submitted that even after the passing of the ex-parte assessment order dated 06/09/2022, all subsequent demand and penalty notices continued to be issued to the email ID (amit26\_goyal@rediffmail.com) of the former Chartered Accountant, CA Amit Goyal. The then Branch Manager, Shri Praveen Kashiv, was also unaware of the said ex-parte order. It was only in October 2023 that he received a telephonic call from the Income Tax Department, Harda, informing him that a demand of 12,39,360/- was pending against the Appellant Society and instructing him to deposit the amount immediately, failing which the bank account of the Society would be subject to seizure. On receiving this information, Shri Praveen Kashiv immediately contacted CA Renu Yadav of M/s J N R G & Associates, Bhopal, and apprised her of the communication received from the Department.

Thereafter, CA Renu Yadav of M/s J N R G & Associates immediately checked the Income Tax portal, from where she got knowledge about passing of an ex-parte assessment order dated 06/09/2022 for A.Y. 202021 in the case of the Appellant Society. She also found that a demand notice had been issued on 08/08/2023 (DIN & Letter No. ITBA/COM/F/17/2023-24/10549656(1)), followed by a subsequent demand notice on 01/09/2023 (DIN & Letter No. ITBA/RCA/F/17/2023-24/1055657073(1)). A copy of the recovery notice dated 08/08/2023 & 01/09/2023 issued by the Income Tax Officer, Harda, is annexed herewith and marked as Annexure A/3.

Thereafter, CA Renu Yadav immediately contacted the former Branch Manager of the Appellant Society, Shri Praveen Kashiv, and informed him that an ex-parte assessment order had been passed for A.Y. 202021 under Section 144B read with Section 144 of the Income Tax Act. She explained that an addition of 40,38,360/- had been made due to the disallowance of deduction under Section 80P of the Act. CA Renu Yadav further informed that all notices, including the assessment order, had been sent to the email address of the former Chartered Accountant, Shri Amit Goyal. Consequently, neither the Appellant Society nor its present consultant, CA Renu Yadav, was aware of the ex-parte assessment order dated 06/09/2022. She further advised that an appeal should be filed against the said assessment order before the National Faceless Appeal Centre, New Delhi.

Thereafter, Shri Praveen Kashiv, the former Manager of the Appellant Society, immediately sent a proposal to the Head Office M/s Jila Sahakari Kendriya Bank Maryadit, Hoshangabad informing them about the pending recovery and the passing of the ex-parte assessment order in the case of the Appellant Society. He also apprised the Head Office that CA Renu Yadav had advised filing an appeal against the assessment order dated 06/09/2022. Subsequently, in December 2023, the Appellant Society received final approval from the Head Office to file an appeal before the National Faceless Appeal Centre, New Delhi.

That acting upon the proposal and instructions received from Shri Praveen Kashiv, the former Manager of the Appellant Society, and in view of the advice given by CA Renu Yadav regarding the urgency of the matter, the Appellant Society proceeded to file an appeal against the ex-parte assessment order dated 06/09/2022. Accordingly, the appeal was filed on 21/12/2023 through the e-filing portal of the Income Tax Department by CA Renu Yadav. It is respectfully submitted that the delay in filing the appeal was neither deliberate nor intentional, but occurred due to genuine circumstances beyond the control of the Appellant Society, including lack of proper service of notices and absence of knowledge about the assessment proceedings.

That the Appellant Society is primarily established to provide financial assistance to farmers and rural communities, with a

special focus on those belonging to primitive tribes or Particularly Vulnerable Tribal Groups (PVTGs). The delay in taking action was mainly due to the lack of proper service of notices and the assessment order, as well as the absence of knowledge regarding the ongoing assessment proceedings. Furthermore, Shri Praveen Kashiv, the former Manager of the Appellant Society, had limited knowledge of income tax laws, which contributed to the unintentional delay in filing the appeal before the National Faceless Appeal Centre, New Delhi. It is humbly submitted that the delay was neither deliberate nor intentional but occurred due to circumstances beyond the control of the Appellant Society.

In view of the foregoing facts and circumstances, it is most respectfully submitted that the delay in filing the first appeal before the Ld. National Faceless Appeal Centre, New Delhi, against the assessment order dated 06/09/2022 for A.Y. 202021 was neither deliberate nor intentional but arose due to genuine and unavoidable reasons beyond the control of the Appellant Society. Being a cooperative society, the Appellant is required to obtain various internal approvals before initiating any legal action, which also contributed to the delay after becoming aware of the passing of the ex-parte assessment order dated 06/09/2022. The Appellant has acted with due diligence upon receiving knowledge of the assessment order and related notices. Therefore, it is humbly prayed that this Honble Authority may kindly be pleased to condone the delay in filing the appeal and allow the appeal to be admitted and heard on its merits, in the interest of justice and equity.

An Affidavit of Manager of Appellant Society along with present Application is being Filed.

Affidavit CA Renu Yadav of M/s J N R G & Associates, Bhopal is also filed

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Court may be pleased:

To condone the delay in filing of First appeal before Ld. National Faceless Appeal Centre, New Delhi considering the unforeseen circumstances and assessee being a Society for primitive tribes or Particularly Vulnerable Tribal Groups (PVTGs).

To set aside the order dated 19/11/2024 passed by the Ld. NAFC (A) and remand the matter back for its reconsideration on merits.

Any other relief or order that this Hon'ble Tribunal may deem fit and just in the facts and circumstances of the case.

The Assessee undertakes to abide by any conditions or directions that may be imposed by this Hon'ble Tribunal in the interest of justice.

PLACE: Bhopal

संस्था प्रबंधक  
अ. सह. संस्था मर्या.  
संस्था प्रबंधक, 588 शाखा-हरन

**BEFORE THE HON'BLE INCOME TAX APPELLATE TRIBUNAL,  
INDORE BENCH INDORE**

(ITA No. 71/IND/2025)

Fixed for : 23/06/2025

**APPELLANT:**

ADIM JYATI SEVA SAHAKARI SAMITI MDYT,  
Mohanpur, Harda

*Versus*

**RESPONDENT:**

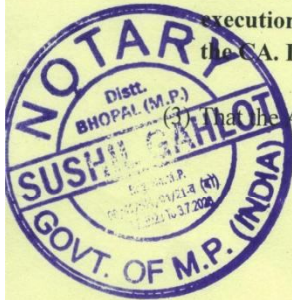
NATIONAL FACELESS ASSESSMENT CENTRE, NEW DELHI

**AFFIDAVIT**

I, Shiv Shankar Malviya S/o Shri Ramchandra Malviya aged 40 years R/o Gram Jhadpa, Harda (AAdhar Card No. 7234 2015 6569) do hereby solemnly affirm on oath and state as under :-

- (1) That I am the Branch Manager of Appellant Society M/s "AdimJatiSevaSahakariMydt, Mohanpur and I am fully conversant with the facts and proceedings of the case and I am competent to swear this affidavit.
- (2) That I have read and understood the contents of the Application being filed and I say and submit that the facts stated therein are true and correct to the best of my knowledge and derived from the records of the case and the averments made therein are on advice which I believe to be true. ("That during the drafting of this application and at the time of execution, the contents were duly explained and translated from English to Hindi by the CA. I affixed my signature only after fully understanding and affirming the same).

(3) That the Annexures enclosed to the application are true copies of their respective originals.



DEPONENT

**VERIFICATION**

I, Shiv Shankar Malviya S/o Shri Ramchandra Malviya, the above named deponent, do hereby verify that the contents of paras 1 to 3 above are true to my personal knowledge.

Verified and signed on this 21 day of June, 2025, at Bhopal.

**IDENTIFIED BY ME**

NAME... शिवशंकर मलवीया  
ADDRESS... महुवा  
AGE...  
SIGNATURE... शिवशंकर मलवीया

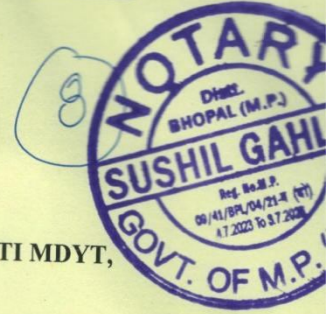
SOLEMNLY AFFIRMED BEFORE  
ME BY THE WITHIN NAMED

DEPONENT

SUSHEEL GEHLOT  
NOTARY BHOPAL (M.P.) INDIA

**BEFORE THE HON'BLE INCOME TAX APPELLATE TRIBUNAL,  
INDORE BENCH INDORE**

(ITA No. 71/IND/2025)



Fixed for : 23/06/2025

**APPELLANT:**

**ADIM JYATI SEVA SAHAKARI SAMITI MDYT,  
Mohanpur, Harda**

*Versus*

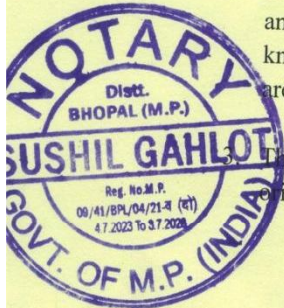
**RESPONDENT:**

**NATIONAL FACELESS ASSESSMENT CENTRE, NEW DELHI**

**AFFIDAVIT**

I, **Renu Yadav C/o Shri Kamlesh Yadav (Chartered Account in Firm M/s M/s J N R G & Associates, Bhopal)** aged 41 years R/o House No. 18, 4 Mata Wali Gali, Barkhedhi, Bhopal (Aadhar Card No. 6718 1901 5473) do hereby solemnly affirm on oath and state as under :-

1. That I am the Chartered Account and I am fully conversant with the facts and proceedings of the case and I am competent to swear this affidavit.
2. That I have read and understood the contents of the Application being filed and I say and submit that the facts stated therein are true and correct to the best of my knowledge and derived from the records of the case and the averments made therein are on advice which I believe to be true.



That the Annexures enclosed to the application are true copies of their respective originals.

*Renu*  
DEPONENT

**VERIFICATION**

I, **Renu Yadav C/o Shri Kamlesh Yadav**, the above named deponent, do hereby verify that the contents of paras 1 to 3 above are true to my personal knowledge.

Verified and signed on this 21 day of June, 2025, at Bhopal.

*Renu*  
DEPONENT

**IDENTIFIED BY ME**

NAME.....*दीपिका देव*.....  
ADDRESS.....*भारत*.....  
MOB.....  
SIGNATURE.....*दीपिका देव*.....

**SOLEMNLY AFFIRMED BEFORE  
ME BY THE WITHIN NAMED**

*Susheel*  
**SUSHEEL GEHLOT**  
NOTARY BHOPAL (M.P.) INDIA

Sr.No. *72* P.No. *12* Date *21 JUN 2025*

5. Ld. AR re-iterated the contents of above Interlocutory Application line by line in open court with supporting documents to explain the reasoning of delay in filing first-appeal and finally made two-fold prayers as stated in last para of Application i.e. (i) the prayer to condone delay which had occurred in filing first-appeal, and (ii) the prayer to remand this matter for re-consideration on merit. Ld. AR prays that since the assessment-order passed by AO is also ex-parte, it would be more appropriate to remand this matter to the file of AO.

6. Ld. DR for revenue having heard the submissions of assessee as mentioned in the Interlocutory Application as reiterated by Ld. AR in open court, felt convinced and submitted that he would have no objection if the delay in first-appeal is condoned and the present matter is remanded to AO. He, however, submitted that the assessee should be directed to stay diligent and make representation as and when called upon by AO.

7. Considering the above submissions of learned Representatives; having regard to the facts as submitted in Interlocutory Application; having regard to the principle of natural justice and also bearing in mind that no prejudice would be caused to revenue if the present matter is restored at the level of AO for an appropriate adjudication in accordance with law, we condone the delay in first-appeal and also remand this matter back to the file of AO for adjudication afresh, at the risk and responsibility of assessee. The AO shall give necessary opportunity of hearing to assessee and pass an appropriate order uninfluenced by his earlier order. The assessee is also directed to

remain vigilant and ensure participation in the hearings as may be fixed by AO and do not seek unnecessary adjournments failing which the AO shall be at liberty to pass appropriate order in accordance with law. Ordered accordingly.

**8. Resultantly, this appeal is allowed for statistical purpose.**

Order pronounced in open court on 25/06/2025

Sd/-

(PARESH M. JOSHI)  
JUDICIAL MEMBER

Sd/-

(B.M. BIYANI)  
ACCOUNTANT MEMBER

**Indore**

दिनांक /Dated : 25/06/2025

Patel/Sr. PS

Copies to: (1) The appellant  
(2) The respondent  
(3) CIT  
(4) CIT(A)  
(5) Departmental Representative  
(6) Guard File

By order  
Sr. Private Secretary  
Income Tax Appellate Tribunal  
Indore Bench, Indore