

**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. 75, 77 & 76/Ind/2025**  
**(AYs: 2011-12, 2012-13 & 2013-14)**

Motika Finance Limited, LG-2, Shivaji Apartment, Plot No. A-1, Shivaji Nagar, Civil Lines, Jaipur <b>(PAN:AADCM9660Q)</b>	<u>बनाम/</u> Vs.	ACIT-3(1) Indore
(Assessee/Appellant)		(Revenue/Respondent)

**ITA No. 78, 79 & 80/Ind/2025**  
**(AYs: 2013-14, 2011-12 & 2012-13)**

Frequent Stock and Shares Private Limited, 54 Dawa Bazar, R.N.T. Marg Indore <b>(PAN: AAACF6906H)</b>	<u>बनाम/</u> Vs.	ITO-1(1), Indore
(Assessee/Appellant)		(Revenue/Respondent)

Assessee by	Shri Venus Rawka, AR
Revenue by	Shri Ashish Porwal, Sr. DR
Date of Hearing	30.06.2025
Date of Pronouncement	30.06.2025

**आदेश / O R D E R**

**Per Bench:**

The captioned appeals are filed by two different assessees, the details are as under:

**Motika Finance Ltd. & Frequent Stock and shares Private Limited**  
**ITA Nos.75, 77 & 76/Ind/2025 & ITA No.78, 79 & 80/Ind/2025**  
**- AYs: 2011-12, 2012-13 & 2013-14**

	ITA No.	A.Y.	Impugned order	Original proceedings
<b>Motika Finance Limited</b>				
1	75/Ind/2025	2011-12	Order of first-appeal dated 20.06.2023 passed by CIT(A), NFAC, Delhi	Assessment-order dated 30.12.2018 passed by ACIT-3(1), Indore u/s 148 r.w.s. 143(3)
2	77/Ind/2025	2012-13	Order of first-appeal dated 20.06.2023 passed by CIT(A), NFAC, Delhi	Assessment-order dated 31.12.2018 passed by ACIT-3(1), Indore u/s 148 r.w.s. 143(3)
3	76/Ind/2025	2013-14	Order of first-appeal dated 20.06.2023 passed by CIT(A), NFAC, Delhi	Assessment-order dated 31.12.2018 passed by ACIT-3(1), Indore u/s 148 r.w.s. 143(3)
<b>Frequent Stock and Shares Private Limited</b>				
4	79/Ind/2025	2011-12	Order of first-appeal dated 28.12.2023 passed by CIT(A), NFAC, Delhi	Assessment-order dated 29.12.2018 passed by ITO-1(3), Indore u/s 147 r.w.s. 143(3)
5	80/Ind/2025	2012-13	Order of first-appeal dated 06.06.2024 passed by CIT(A), NFAC, Delhi	Assessment-order dated 26.12.2019 passed by ITO-1(1), Indore u/s 144 r.w.s.147
6	78/Ind/2025	2013-14	Order of first-appeal dated 06.06.2024 passed by CIT(A), NFAC, Delhi	Assessment-order dated 11.12.2019 passed by ITO-1(1), Indore u/s 144 r.w.s.147

2. Since these appeals involve identical/similar issues for adjudication, they were heard together at the request of parties and are being disposed of by this single order for the sake of convenience, brevity and clarity.

3. The registry has informed that there is a delay of 506 days in all three appeals filed by assessee "Motika Finance Limited" and delay of 324 / 140 days in the appeals filed by assessee "Frequent Stock and Shares Private Limited". Ld. AR for assessees submitted that the assessees have filed respective applications for condonation of delays supported by affidavits on stamp. Referring to contents of same, Ld. AR submitted that both of the

assessee-companies were non-operational and neither the notices of hearings nor the impugned orders were physically served upon their registered addresses. Referring to Para 4 of the impugned order passed in first appeal being *ITA No. 75/Ind/2025*, Ld. AR showed that the CIT(A) has issued notices of hearing by way of uploading on ITBA portal. Ld. AR submitted that since the notices of hearings and the impugned orders did not reach to assessee-companies which were non-operational, neither the first-appeals could be prosecuted before CIT(A) nor the present appeals before ITAT could be filed in time. Ld. AR prayed that having regard to the fact that the assessee-companies have become non-operational and in the interest of justice, a judicious view may be taken and the delays in filing these appeals may be condoned.

4. Ld. AR next submitted that the CIT(A) has merely upheld AO's orders but the appeals of assessee require an apt adjudication in terms of section 250(6). Ld. AR went ahead to submit that the Assessing Officers have made high pitched additions on account of unexplained investments in shares, disallowance of losses, etc. whereas the relevant transactions were already recorded in the books of assessee-companies and no additions were warranted. Ld. AR submitted that these cases are quite meritorious and require a fair adjudication for proper taxation in terms of provisions of Income-tax Act, 1961. Therefore, a prayer is made to remand these matters to lower authorities. Ld. AR proposed that the cases where the AO has

passed assessment-orders u/s 143(3) may be remanded to CIT(A) and the cases where the AO has passed *ex-parte* assessment orders u/s 144 may be remanded to AO.

5. Ld. DR for revenue realising the fact that the assessee-companies are non-operational, did not object to condonation of delays in these appeals. He, however, requested that a suitable cost must be imposed upon assessee-companies. Ld. AR further proposed that since the issues are more or less identical in all appeals, it would be better to restore all these cases at the level of AO.

6. We have considered the explanation advanced by assessees in the solemnized affidavits and in absence of any contrary fact or material on record, the assessee is found to have a "sufficient cause" for delay in filing present appeals as narrated above. We find that section 253(5) of the Act empowers the ITAT to admit an appeal after expiry of prescribed time, if there is a "sufficient cause" for not presenting appeal within prescribed time. It is also a settled position by Hon'ble Supreme Court in ***Collector, Land Acquisition Vs Mst. Katiji and others 1987 AIR 1353, 1987 2 SCC 387*** that whenever substantial justice and technical considerations are opposed to each other, the cause of substantial justice must be preferred by adopting a justice-oriented approach.

7. We, however, find merit in the proposal/submission made by Ld. DR for revenue for imposition of cost upon assessees and also to remand all these matters to the file of AO. Accordingly, we condone the delays and remand these matters to the file of AO subject to a cost of Rs. 5,000/- in each case to be paid by assessee to "Prime Minister National Relief Fund" and submission of proof by assessee to AO. Needless to mention that the AO shall give necessary opportunity of hearing to assessee and pass appropriate orders. The assessee is also directed to 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 orders in accordance with law. Ordered accordingly.

**8. Resultantly, all these appeals are allowed for statistical purposes.**

Order pronounced in open court on 30/06/2025 immediately after conclusion of hearing and subsequently reduced in writing.

Sd/-  
(PARESH M. JOSHI)  
JUDICIAL MEMBER

Sd/-  
(B.M. BIYANI)  
ACCOUNTANT MEMBER

**Indore**

दिनांक/ Dated : 30/06/2025

Patel/Sr. PS

***Motika Finance Ltd. & Frequent Stock and shares Private Limited***  
***ITA Nos.75, 77 & 76/Ind/2025 & ITA No.78, 79 & 80/Ind/2025***  
***- AYs: 2011-12, 2012-13 & 2013-14***

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