

IN THE INCOME TAX APPELLATE TRIBUNAL
“K(SMC)” BENCH, MUMBAI
BEFORE SMT. BEENA PILLAI (JUDICIAL MEMBER)
AND
SMT. RENU JAUHRI ACCOUNTANT MEMBER)

I.T.A. No. 4144/Mum/2025
Assessment Year: 2014-15

The Oriental Insurance Employees Co-operative Credit Society Ltd. C/o, G.P. Mehta & Co. CAS, 807, Tulsiani Chambers, Nariman Point, Mumbai - 400021 PAN:AAAJT0844K	Vs.	Income Tax Officer 17(2)(5) 2 nd Floor, Kautilya Bhavan, BKC Bandra(East) Mumbai-400051
(Appellant)		(Respondent)

Appellant by	Shri G. P. Mehta
Respondent by	Shri Bhagirath Ramawat, SR. D.R.

Date of Hearing	29.07.2025
Date of Pronouncement	31.07.2025

ORDER

Per: Smt. Beena Pillai, J.M.:

The present appeal filed by the assessee arises out of order dated 19/11/2024 passed by ADDL/JCIT(A), Mysore for assessment year 2014-15 on following grounds of appeal :

“1 The orders passed by the learned lower authorities are bad in law and bad in facts.

- 2 *The learned lower authorities have grossly erred making an addition of Rs. 10,00,771/- to the NIL returned income. Reasons assigned for the impugned addition are wrong & contrary to the settled legal position.*
- 3 *The learned lower authorities have grossly erred in making/conforming an addition of Rs.1,17,493/- on account of amount written off as bad debts (loss by embezelment) even though the issue is covered in favour of the appellant by the order of the Hon'ble Income Tax Appellate Tribunal Mumbai, SMC Bench in appellant's own case.*
- 4 *The learned lower authorities have grossly erred in rejecting /confirming the rejection, appellant's claim of deduction /exemption under section 80P (2) (d) of the I.T. Act, 1961 at Rs.8,83,278/-. Reasons assigned for the impugned disallowance are wrong and contrary to the decisions in appellant's own case.*
- 5 *Having regard to the facts of the case, provisions of law and judicial propositions, impugned disallowance / additions are wholly untenable in law.*
- 6 *The appellant may please be permitted to raise any additional or alternative ground on or before hearing of the appeal.”*

Brief facts of the case are as under:

2. The assessee is a co-operative society and filed its return of income on 08/10/2014, declaring total income at Nil. The case was selected for scrutiny under CASS and notice u/s. 143(2) and 142(1) was issued along with questioner. In response to the notice, the representative of the assessee appeared before the Ld. AO and filed requisite details through E-proceedings.

3. At the outset, the Ld.AR submitted that there is a delay of about 150 days in filing the present appeal before this *Tribunal*. The assessee furnished application seeking condonation of delay along with affidavit in support thereof. The assessee in affidavit explained that the appellate order dated 19/11/2024 and related

notices were communicated to incorrect email Id i.e. sharadgrover@orientalinsurance.co.in and mumcrscty@orientalinsurance.co.in which were never received by the assessee. Scanned and reproduced is the affidavit filed by the assessee:-



महाराष्ट्र MAHARASHTRA

2025

55AB 996288



AFFIDAVIT.



I, Santosh Sarfare; son of Shri Gajanan Sarfare, aged about 60 years old residing at Mumbai and Hon. Secretary of The Oriental Insurance Employees Co-operative Credit Society Limited Mumbai, take oath and state on solemn affirmation as under :

That the contents of the petition dated 14.07.2025, seeking condonation of delay in filing of appeal for Asst Year 2014-15, against the assessment order passed u/s 143 (3) of the I. T. Act, 1961, are true and correct to the best of my knowledge and belief.

Solemnly affirmed at Mumbai on this the 14th day of July, 2025.

For The Oriental Insurance Employees
Co-operative Credit Society Limited

BEFORE ME



Sujata R. Babar
14/7/25
SUJATA R. BABAR
Regd. No. 30149 B.A., LL.B.
ADVOCATE HIGH COURT
NOTARY GOVT. OF INDIA
10 & 13, 1st Floor, 221, Gohartaj Bldg.,
Dr. B. A. Road, Hindmata,
Dadar (East), Mumbai.

S. Sarfare
(Santosh G. Sarfare).
Hon. Secretary

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5. The learned First Appellate Authority as mentioned in the appellate order under appeal communicated the notices of hearing on wrong mails id i.e. sharadgrover@orientalinsurane.co.in mumcrscty@orientalinsurance.co.in which were never received by the appellant.
6. Even the appellate order dated 19.11.2024 was communicated on the same mail id. As the aforesaid mail id., were not pertaining to the Society or its Office Bearers same went unnoticed.
7. On 21.05.2025, the appellant Society received a notice u/s 274 r.w.s 271(1)(c) of the I.T ACT 1961, from the Assessing Officer calling for an explanation as to why a penalty for furnishing inaccurate particulars should not be levied when it was realized that the order in respect of appeal filed had already been passed.
8. Soon thereafter, necessary steps were taken to file appeal which has been filed on 18.06.2025.

Sir, it is submitted that delay in filing of appeal has resulted due to circumstances beyond the control of the appellant and not on account of deliberate default or carelessness, inasmuch as, the appellant had nothing to gain by delayed filing of appeal.

It is, therefore, most respectfully submitted that the small delay of 150 days in filing of appeal may please be condoned in the interest of substantial justice and appeal may please be admitted for adjudication on merit.

We pray for justice.

For The Oriental Insurance Employees
Co-Operative Credit Society Ltd.



S.G. Sarfare
(Santosh .G. Sarfare)
Hon.Secretary

2.1. From the above it is noted that, the reason that caused delay in filing appeal before this *Tribunal* was because the circumstances beyond the control of assessee and the assessee was not aware of the impugned order passes by the office of Ld.CIT(A). Thus there was no mala fide intention or deliberate default. Since the assessee has nothing to gain by delayed filing of appeal. It is submitted that the email Id in the portal of the department is also not the same. The Ld.AR relied on the order of the *Hon'ble Supreme Court* in case of *Collector Land Acquisition Vs. Mst. Katiji & Ors.*, reported in (1987) 167 ITR 471.

2.2 The assessee received a notice u/s.274 r.w.s. 271(1)(c) of the Act dated 21/05/2025, from the Ld.AO. Thereafter, necessary steps were taken leading to filing appeal on 18/06/2025.

2.3 On the contrary, the Ld.DR though vehemently opposed the condonation of delay was of the opinion that the issue should be decided on merits.

We have perused the submissions advanced by both sides in the light of records placed before this *Tribunal*.

4. In our opinion, the assessee made out a reasonable cause for the delay that caused in filing the present appeal before this *Tribunal*. Nothing to establish anything contrary has been filed by the revenue before this *Tribunal*. Thus there is 'sufficient cause' for condoning the delay as observed by *Hon'ble Supreme Court* in case of *Collector Land Acquisition Vs. Mst. Katiji & Ors.*, reported in (1987) 167 ITR 471 in support of his contentions.

3.1 We place reliance on following observations by *Hon'ble Supreme Court* in case of *Collector Land Acquisition Vs. Mst. Katiji*

& Ors., reported in (1987) 167 ITR 471 wherein, Hon'ble Court observed as under:-

"The Legislature has conferred the power to condone delay by enacting section 51 of the Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on de merits". The expression "sufficient cause" employed by the Legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose of the existence of the institution of courts. It is common knowledge that this court has been making a justifiably liberal approach in matters instituted in this court. But the message does not appear to have percolated down to all the other courts in the hierarchy.

And such a liberal approach is adopted on principle as it is realized that :

- 1. Ordinarily, a litigant does not stand to benefit by lodging an appeal late.*
- 2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this, when delay is condoned, the highest that can happen is that a cause would be decided on merits after hearing the parties.*

.....1.Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908, may be admitted after the prescribed period if the appelland or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period."

3.2 Considering the submissions by both sides and respectfully following the observation by Hon'ble Supreme Court, we find it fit to condone the of 150 days delay caused in filing the present appeal as it is not attributable to the assessee.

Accordingly, we condone the delay in filing the present appeal before this Tribunal.

5. On merits of the case, in the interest of justice the appeal is remanded back to the file of the Ld. CIT(A) to decide the issue afresh in accordance with law after giving proper opportunity of

hearing to the assessee. The Ld.AR requested that notice may be sent to the secondary mail Id mentioned in the portal. The assessee is directed to furnish all relevant evidences/documents in support of its claim before the Ld.CIT(A). The Ld.CIT(A) is directed to pass a detailed order on merits after giving proper opportunity of being heard to the assessee.

Accordingly the grounds raised by the assessee stands allowed for statistical purposes.

In the result the appeal filed by the assessee stands allowed for statistical purposes.

Order pronounced in the open court on 31/07/2025

Sd/-

**(RENU JAUHRI)
Accountant Member**

Sd/-

**(BEENA PILLAI)
Judicial Member**

Mumbai:
Dated: 31/07/2025
Poonam Mirashi,
Stenographer

Copy of the order forwarded to:

- (1)The Appellant
- (2) The Respondent
- (3) The CIT
- (4) The CIT (Appeals)
- (5) The DR, I.T.A.T.

True Copy

By order

(Asstt. Registrar)
ITAT, Mumbai