

आयकर अपीलीय अधिकरण, 'ए' न्यायपीठ, चेन्नई
IN THE INCOME TAX APPELLATE TRIBUNAL
'A' BENCH, CHENNAI

श्री जॉर्ज जॉर्ज के, उपाध्यक्ष एवं श्री एस.आर.रघुनाथा, लेखा सदस्य के समक्ष
BEFORE SHRI GEORGE GEORGE K, VICE PRESIDENT AND
SHRI S.R. RAGHUNATHA, ACCOUNTANT MEMBER

आयकर अपील सं./ITA No.:715/Chny/2025
निर्धारण वर्ष / Assessment Year: 2019-20

E-2574 Varakkalpattu Primary Agricultural Co-Op Credit Society Ltd, E-2574, 9, School Street, Varakkalpattu -S.O, Cuddalore – 607 109.	vs.	ITO, Ward -1, Cuddalore.
[PAN:AAAAE-4481-E] (अपीलार्थी/Appellant)		(प्रत्यर्थी/Respondent)

अपीलार्थी की ओर से/Appellant by : Shri. G. Reddi Prakash, C.A.
प्रत्यर्थी की ओर से/Respondent by : Ms. E. Pavuna Sundarai, CIT.

सुनवाई की तारीख/Date of Hearing : 04.06.2025
घोषणा की तारीख/Date of Pronouncement : 05.08.2025

आदेश /ORDER

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, for the assessment year 2019-20, vide order dated 12.02.2025.

2. Brief facts are that the assessee is a primary agricultural cooperative credit society. The assessee had not filed the return of income for the A.Y.2019-20. The case of the assessee's was re-opened u/s.147 of the Act based on the data of cash deposit of Rs.1,49,96,874/- in bank account maintained with Cuddalore District Central

cooperative Bank and cash withdrawal of Rs.3,99,05,533/- from the same bank account. Accordingly, the statutory notices were issued to the assessee. The assessee filed its return of income declaring a total income of Rs.1,83,710/- on 06.05.2023.

3. Therefore, show-cause notices dated 11.11.2023 and 19.12.2023 were issued upon the assessee proposing to make an addition of cash deposit of Rs.1,49,96,874/- and cash withdrawal of Rs.2,49,08,659/- being the difference between cash withdrawal and cash deposit (Rs.3,99,05,533/- (-) Rs.1,49,96,874/-) along with the interest earned in bank account of Rs.6,36,157/-. However, as the assessee failed to comply to the aforesaid notices issued from time to time the AO concluded the assessment by passing an exparte order u/s.144 of the Act by adding the amount of Rs.4,05,41,690/- for the year under consideration u/s.69A & 69B r.w.s.115BBE of the Act as unexplained money.

4. Aggrieved by the order of the Assessing Officer, the assessee filed an appeal before the Id. CIT (A), NFAC, Delhi.

5. Before the Id.CIT(A), the assessee filed the appeal with a delay of 59 days and stated that the delay is due to unaware of the E-assessment proceedings and they came to know the order of the AO only on receipt of the demand notice from the AO. However, the Id.CIT(A) dismissed the appeal as not maintainable by passing an order dated 12.02.2025. Aggrieved by the order of Id.CIT(A), the assessee has filed an appeal before us.

6. The Id.AR submitted that the Id.CIT(A) has dismissed the appeal without condoning the delay of 59 days. Further, the assessment order was also passed an exparte u/s.144 of the Act by the Assessing Officer. Therefore, Id.AR prayed for condoning the delay in filing the appeal before the Id.CIT(A) and sought for one more

opportunity before the AO to represent the case in the interest of natural justice. Further, the Id.AR assured the bench that he will undertake to represent on behalf of the assessee before the AO, in case one more opportunity is provided.

7. Per contra, the Id.DR submitted that the Assessing Officer had provided sufficient opportunity to appear before him. However, the assessee has been negligent in responding to the statutory notices and also filed the appeal before the Id.CIT(A) with a delay of 59 days and hence, prayed for confirming the order of the lower authorities.

8. We have heard the rival parties and perused the material available on record and gone through the orders of the lower authorities. We note that the Assessing Officer has passed an ex parte order by considering the information available with the department. The Id.CIT(A) - NFAC dismissed the appeal as not maintainable without condoning the delay in filing the appeal by 59 days. On perusal of the submissions of the Id.AR and the affidavit filed by the assessee for delay in filing the appeal before the Id.CIT(A), we are inclined to condone the delay in filing the appeal. Since, the assessee has failed to participate before the Assessing Officer and also filed the appeal by 59 days delay before the Id.CIT(A), we levy the cost of Rs.5,000/- 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.

9. In view of the above and to meet the ends of justice we set aside the order of Id.CIT(A) and remit the matter back to the file of Assessing Officer and direct the AO to denovo frame the assessment order in accordance to law, after providing reasonable opportunity to the assessee. Needless to say, the assessee to be diligent and file written submissions, relevant documents if advised so and not take adjournment unnecessarily.

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

Order pronounced in the court on 05th August, 2025 at Chennai.

Sd/-

(जॉर्ज जॉर्ज के)
(GEORGE GEORGE K)
उपाध्यक्ष /VICE PRESIDENT

Sd/-

(एस. आर. रघुनाथा)
(S. R. RAGHUNATHA)
लेखा सदस्य/ACCOUNTANT MEMBER

चेन्नई/Chennai,

दिनांक/Dated, the 05th August, 2025

jk

आदेश की प्रतिलिपि अग्रेषित/Copy to:

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