

**IN THE INCOME TAX APPELLATE TRIBUNAL  
AMRITSAR BENCH, AMRITSAR.**

**BEFORE SH. UDAYAN DAS GUPTA, JUDICIAL MEMBER  
AND  
SH. BRAJESH KUMAR SINGH, ACCOUNTANT MEMBER**

**I.T.A. No.59/Asr/2025  
Assessment Year: 2015-16**

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| Sh. Naresh Kumar,<br>S/o- Shri Banarasi Das, VPO<br>NawanpindTapprian, Teh,<br>Balachaur, Nawanshahr,<br>Punjab-144521<br>[PAN: DSSPK2370A]<br><b>(Appellant)</b> | <b>Vs.</b> | ITO,<br>Nawanshahr.<br><br><b>(Respondent)</b> |
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| <b>Appellant by</b>  | <b>Sh. Subhash Jain, CA</b>    |
| <b>Respondent by</b> | <b>Sh. Charan Dass, Sr. DR</b> |

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| <b>Date of Hearing</b>       | <b>20.05.2025</b> |
| <b>Date of Pronouncement</b> | <b>11.08.2025</b> |

**ORDER**

**Per: Brajesh Kumar Singh, AM:**

The instant appeal of the assessee was filed against the order of the Id. Commissioner of Income-tax (Appeals), NFAC, Delhi, (in brevity 'the CIT (A)' order passed u/s 250 of the Income-tax Act, 1961, dated 12.12.2024, arising out of assessment order dated 09.03.2023 passed u/s 147 r.w.s. 144 r.w.s. 144B of the Act, for assessment year 2015-16.

2. Brief facts of the Case: In this case, as per information received, it was found by the AO that the assessee had made cash deposits amounting to Rs. 79,50,450/- in his two bank accounts both with Punjab National Bank (with different TAN) during the year and had not filed his return of income for A.Y. 2015-16. Accordingly, proceedings u/s 147 of the Act was initiated following due procedure by issuing show-cause notice u/s 148A(b) on 19.03.2022 with the approval of the competent authority. Thereafter order u/s 148A(d) was passed on 31.03.2022 and notice u/s 148 was issued same day and served upon the assessee as per the provisions of the Act. However, in response to the notice u/s 148, the assessee neither filed his return of income nor filed any submission. Further, multiple notices u/s 142(1) of the Act, show cause notice u/s 144 were issued, but no compliance was made by the assessee in response to any of the notices. Further, notice u/s 133(6) was issued to the PNB for details of account of the assessee but no reply was received. During the course of assessment proceedings, the assessee was asked to explain the sources of such cash deposits but he didn't respond. Since no submission was filed, the A.O. passed the assessment order u/s 147 r.w.s. 144 of the Act by making addition of Rs.79,50,450/- on account of unexplained cash credit.

3. Aggrieved with the said order, the assessee preferred an appeal before the Id. CIT(A). The Ld. CIT(A) noted that in this case, the assessment order and demand notice was served upon the assessee on 09.03.2023 and the appeal should have been filed within 30 days from the date of service of order i.e. latest by 08.04.2023. However, the appeal was filed on 29.08.2023 and thus, there was a delay of 143 days. The assessee submitted the reasons for delay as under:-

*“Assessee is a commission agent in vegetables having commission income which was even less than the basic slab limit. The assessment has been made at an exorbitant figure of Rs. 79,50,450/- even without having the bank statement on record. The assessee is not educated to know the working of the income tax e-filing portal. The assessee came to know of the assessment order only when, on receipt of the notice u/s 221(1) dated 10.08.2023 by post, he approached a chartered accountant. Thus, factually there is no delay in filing the appeal. However, if counted from the date of demand notice dated 09.03.2023, it is late by 142 days. Your Honour the reason for the delay in filing the appeal is bona fide and unintentional. The assessee has not gained anything out of the delay. There is no contumacious conduct involved on the part of the appellant. Your Honour, it is settled law that that the (technicalities should not prevail over the substantial justice. Unintentional lapse on the part of the appellate should not close the door of adjudication so as to be permanently closed as it is human to err. It is prayed that the delay may, please, be condoned and an opportunity to put forward the case may, please, be given; otherwise it will lead to grave injustice to the poor person.”*

3.1. However, the Id. CIT(A) was not satisfied with the reply of the assessee and did not condone the delay. The Id. CIT(A) held that the

explanation of the assessee did not constitute sufficient cause for the delay in filing of the appeal and held in para no.4.2 of this order as under:-

*“4.2. On the basis of the circumstances of the case, it is held that the appellant did not have "sufficient cause" for delay in filing appeal. The appeal filed by the appellant is held to be invalid and non-maintainable being out of time. For statistical purposes, the appeal is treated as DISMISSED in limine.”*

4. Aggrieved with the order of the Ld. CIT(A), the assessee is in appeal before us by raising the following grounds of appeal.

*“1. That the order passed u/s 250 of the Income Tax Act, 1961 by the Ld. Commissioner of Income Tax (Appeals), NFAC, Delhi is against law and facts on the file in as much as the Ld. CIT(Appeals) has erred in dismissing the Appeal of the Appellant in limine*

*2. That the order passed u/s 250 of the Income Tax Act, 1961 by the Ld. Commissioner of Income Tax (Appeals), NFAC, Delhi is against law and facts on the file in as much as the Ld. CIT (Appeals) has gravely erred in not deciding on the grounds of appeal taken in appeal though the submissions along with requisite documentary evidence in support of the grounds of appeal were specifically called by issue of notice issued u/s 250 thrice and were filed twice; impliedly meaning that the delay has been condoned.*

*3. That the order passed u/s 250 of the Income Tax Act, 1961 by the Ld. Commissioner of Income Tax (Appeals), NFAC, Delhi is against law and facts on the file in as much as the Ld. CIT Appeals) has erred in not condoning the delay in filing the appeal though the accepting that the Appellant had reasonable cause.*

*4. That the order passed by the Ld. Commissioner of Income Tax (Appeals) -NFAC, Delhi is against law and facts on the file in as much as the Ld. CIT(Appeals) is against the principles of natural justice and without affording the*

*reasonable opportunity to the Appellant to clarify and to defend his case in as much as no personal hearing was granted.*

5. *The appellant craves leave to add, alter, amend or delete any of the above grounds of appeal”.*

5. We have heard both the parties and perused the material available on record. The explanation of the assessee for the delay in filing the appeal is found to be reasonable and bona fide and we are of the considered view that the assessee was prevented by sufficient cause for the delay in filing the appeal. We, therefore, condone the delay of 143 days and remand the matter back to the file of the Ld. CIT(A) with a direction to admit the appeal and to decide the issue on the grounds contained in Form-35 on the merits of the case after allowing reasonable opportunity of being heard to the assessee. The assessee is also directed to appear before the Ld. CIT(A).

6. In the result, the appeal of the assessee bearing **ITA No. 59/Asr/2025** is allowed for statistical purposes.

**Order pronounced on 11/08/2025 under Rule 34(4) of the Income Tax Appellate Tribunal Rules 1963.**

Sd/-  
(Udayan Das Gupta)  
Judicial Member  
*Shekhar/AKV*

Sd/-  
(Brajesh Kumar Singh)  
Accountant Member

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.

By Order

Assistant Registrar,  
ITAT, Amritsar